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44TH ANNUAL REPORT
OF THE
INTERSTATE COMMERCE
COMMISSION

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DECEMBER 1, 1930



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1930

INTERSTATE COMMERCE COMMISSION

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WILLIAM E. LEE.

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CHARLES D. MAHAFFIE.

GEORGE B. MCGINTY, *Secretary.*

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REPORT OF THE INTERSTATE COMMERCE COMMISSION

WASHINGTON, D. C., *December 1, 1930.*

To the Senate and House of Representatives:

The Interstate Commerce Commission has the honor to submit herewith its forty-fourth annual report to the Congress. The period covered by this report extends from November 1, 1929, to October 31, 1930, except as otherwise noted.

A statement of appropriations and aggregate expenditures for the fiscal year ended June 30, 1930, is embodied in this report.

BUREAU OF ACCOUNTS

The services of all available field accountants of this bureau have been required by the examinations of the accounts of steam railroads for the purpose of arriving at correct net railway operating income as part of our duties in administering the provisions of section 15a of the interstate commerce act dealing with excess income subject to recapture by the Government.

During the year 565 such recapture examinations were made, and these covered the accounts of many of the larger carriers. The total number of accounting examinations of steam roads thus far made for the purpose of determining correct net railway operating income for section 15a purposes is 3,698. Further details in regard to this matter will be found in another part of this report.

In addition to the recapture examinations, 60 special accounting examinations were conducted by the bureau having to do with other matters requiring field investigation of accounts. Among these matters was the inquiry into the cost of refrigeration in connection with the movement of fruits and vegetables from the West. Our accountants have also assisted the House Committee on Interstate and Foreign Commerce in its investigation of holding companies in their relation to railroads and a special committee of the Senate in its investigation of the railroad operated by the Government in Alaska.

During the year arguments were heard on exceptions taken to the proposed reports in the matter of depreciation charges of steam

railroads and telephone companies. Final reports in these cases are now in course of preparation. The same situation exists with respect to our revision of our accounting classifications for steam railroads.

A tentative draft of a revision of the accounting classifications for telephone companies has been prepared by the bureau and has been submitted for consideration to the carriers, the State commissions, and other interested parties. As soon as possible after adoption of final reports on accounting rules of steam railroads and telephone companies, revisions will be prepared of the accounting classifications for all other classes of carriers. In accordance with our established practice, all interested parties will be afforded ample opportunity for comment and criticism prior to the adoption of any of these revisions.

The volume of work involved in our section 15a examinations has prevented our undertaking any general examinations of carriers' accounts, the importance of which as the most effective means of adequately policing carriers' accounts under section 20 of the act has been mentioned in previous reports.

BUREAU OF FINANCE

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

The following is a statement of applications filed during the year for certificates of public convenience and necessity under the provisions of section 1 (18) to (22) of the act and of the disposition made of applications:

Item	Number	Miles of road
Applications filed:		
For authority to construct new lines or extend existing lines.....	37	737. 83
For authority to abandon mileage.....	75	980. 83
For authority to operate or to acquire and operate.....	56	1, 829. 57
Total.....	168	3, 548. 23
Certificates issued:		
Authorizing new construction.....	54	1, 596. 010
Authorizing abandonment.....	72	1, 807. 464
Authorizing operation or acquisition and operation.....	64	4, 263. 047
Total.....	190	7, 666. 521
Applications denied:		
For authority for new construction.....	5	247. 50
For authority to abandon.....	5	226. 24
For authority to operate or to acquire and operate.....	2	41. 20
Total.....	12	514. 94
Applications dismissed:		
For authority for new construction.....	6	765. 70
For authority to abandon.....	7	70. 18
For authority to operate or to acquire and operate.....	2	38. 80
Total.....	15	880. 68

A number of applications disposed of during the year were pending on October 31, 1929.

In our last report it was shown that of the railway mileage for which we issued certificates authorizing new construction since the effective date of this provision of the act, we had information that approximately 4,429.19 miles had been constructed.

We have been advised by carriers during the year covered by this report that approximately 1,044.55 additional miles of road have been completed.

We have continued the practice of enlisting the cooperation of the State commissions in these cases. In 41 of them hearings have been held for us by State commissions, and in most of such cases in which a decision has been reached, their recommendations and our conclusions have coincided.

A list of certificates issued will be found in Appendix F.

ACQUISITION OF CONTROL OF ONE CARRIER BY ANOTHER CARRIER

Under the provisions of section 5 (2) of the act we are authorized to approve, by order, the acquisition by one carrier of control of one or more other carriers, whether by lease, purchase of stock, or in any other manner not involving the consolidation of such carriers into a single system for ownership and operation, whenever we are of opinion, after hearing, that such control will be in the public interest, the acquisition to be under such rules and regulations, for such consideration, and on such terms and conditions as shall be found by us to be just and reasonable. Under this paragraph 33 applications have been filed, 47 authorizations have been issued, 1 application was denied, and 7 applications were dismissed.

A list of authorizations issued will be found in Appendix F.

The Baltimore & Ohio Railroad Co. was authorized to acquire control of the Buffalo, Rochester & Pittsburgh Railway Co. and of the Buffalo & Susquehanna Railroad Corporation by purchase of capital stock, and we granted similar authority to the Canadian National Railway Co. to acquire control of the Central Vermont Railway (Inc.), and of the Grand Trunk Western Railroad Co. The Duluth, Missabe & Northern Railway Co. was authorized to lease the railroad of the Duluth & Iron Range Railroad Co., and the Gulf, Mobile & Northern Railroad Co. was granted permission to acquire control of the New Orleans Great Northern Railroad Co. by exchange of capital stock. The Pennsylvania Railroad Co. was authorized to lease the railroads of the Western New York & Pennsylvania Railway Co. and of the West Jersey & Seashore Railroad Co., two of its

subsidiary companies. A number of applications seeking authority to effect important partial consolidations were dismissed.

There are pending under this section several applications of major importance seeking authority to acquire control of various carriers.

We adopted an addition to our rules of practice, known as Rule XIX-B, governing the procedure on applications for approval and authorization of the consolidation of railway properties under section 5 of the act.

CONSOLIDATION OF TELEPHONE COMPANIES

Under section 5 (9) of the act, we have received 34 applications and granted 39, authorizing telephone companies to merge their properties or portions thereof, or permitting one telephone company to acquire control of another by purchase of capital stock. One application was denied.

A list of authorizations will be found in Appendix F.

ISSUANCE OF SECURITIES AND ASSUMPTION OF OBLIGATIONS

We have received 174 applications and 49 supplements thereto under section 20a of the act, and have authorized the issue of securities and the assumption of obligations and liabilities in respect of securities of others in the following aggregate amounts and for the following purposes:

Preferred stock:

For acquisition of property including equipment	\$22, 348, 453. 82
For construction of new lines, extensions, facilities, etc.	419, 400. 00
For exchange for bonds previously authorized	7, 500, 000. 00
For exchange for preferred stock	5, 000, 000. 00
For payment of advances	2, 651, 500. 00
For reorganization	1, 250, 000. 00
Assumption of obligation and liability in respect of \$1,959,397.45.	
Total	\$39, 169, 353. 82

Common stock:

For acquisition of property including equipment	25, 101, 675. 00
For acquisition of property other than equipment	1, 070, 420
For acquisition of securities of other companies	128, 000. 00
For additions and betterments (nature not fully specified)	3, 527, 273. 00
	7, 500, 000. 00
	1 400

¹ Shares of stock without nominal or par value.

Common stock—Continued.

For construction of new lines, extensions, facilities, etc-----	\$309, 000. 00
For conversion of unmatured funded debt_	78, 308, 200. 00
For exchange for common stock-----	191, 909, 767. 00
	¹ 404, 100
For exchange for preferred stock-----	72, 011, 300. 00
For exchange for unmatured funded debt-----	¹ 375, 000
For general corporate purposes (not segregated)-----	3, 700. 00
	¹ 2, 219, 010
For payment of advances-----	3, 088, 500. 00
	¹ 80, 482
For reimbursement of treasury for capital expenditures not capitalized-----	67, 859, 950. 00
	¹ 166, 878
For reorganization-----	10, 359, 000. 00
	¹ 30, 000
For sale, proceeds used for capital purposes, including acquisition of equipment-----	38, 294, 600. 00
For sale to meet matured funded debt---	57, 646, 000. 00
For stock dividends-----	600, 000. 00
Assumption of obligation and liability in respect of \$24,716.050.	

Total-----	\$556, 646, 965. 00
	¹ 4, 346, 290

Total stock-----	595, 816, 318. 82
	¹ 4, 346, 290

Bonds, income-mortgage: For reorganization-----	332, 000. 00
---	--------------

Bonds, mortgage:

For acquisition of equipment-----	8, 607, 000. 00
For acquisition of property including equipment-----	32, 247, 000. 00
For acquisition of property other than equipment-----	699, 000. 00
For acquisition of securities of other companies-----	8, 000, 000. 00
For additions and betterments (nature not fully specified)-----	13, 808, 950. 00
For construction of new lines, extensions, facilities, etc-----	29, 940, 000. 00
For exchange for bonds previously authorized-----	4, 000, 000. 00
For exchange for matured funded debt---	1, 632, 000. 00
For exchange for unmatured funded debt	12, 500, 000. 00
For extension of matured funded debt---	665, 000. 00
For general corporate purposes (not segregated)-----	22, 500, 000. 00
For payment of advances-----	40, 090, 000. 00
For pledge-----	101, 944, 000. 00

¹ Shares of stock without nominal or par value.

Bonds, mortgage—Continued.

For pledge and for reimbursement of treasury for capital expenditures not capitalized-----	\$3,464,000.00
For refunding purposes-----	45,958,832.00
For reimbursement of treasury for capital expenditures not capitalized-----	230,004,168.00
For reimbursement of treasury for moneys used to retire, refund, or pay existing bonds-----	3,698,000.00
For reorganization-----	13,630,000.00
For retention in treasury, subject to further order-----	49,338,000.00
For sale to meet matured funded debt---	104,347,050.00
Assumption of obligation and liability in respect of \$508,715,226.79.	
Total-----	<u>\$727,073,000.00</u>
Total bonds-----	<u>727,405,000.00</u>

Debentures:

For acquisition of property, including equipment-----	10,000,000.00
For acquisition of securities of other companies-----	22,800,000.00
For additions and betterments (nature not fully specified)-----	38,272,000.00
For refunding purposes-----	1,959,000.00
For reimbursement of treasury for capital expenditures not capitalized-----	92,228,000.00
For reorganization-----	5,000,000.00
Total-----	<u>170,259,000.00</u>

Drafts: For acquisition of equipment-----	<u>3,719,000.00</u>
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Notes, secured:

For acquisition of equipment-----	2,368,000.00
For acquisition of property other than equipment-----	62,500.00
For exchange for matured funded debt---	30,000.00
For exchange for unfunded debt-----	2,600,000.00
For extension of matured unfunded debt---	400,000.00
For general corporate purposes (not segregated)-----	7,010,000.00
For payment of advances-----	45,186,000.00
For refunding purposes-----	300,000.00
Assumption of obligation and liability in respect of \$8,061,693.	

Total-----	<u>57,956,500.00</u>
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Notes, unsecured:

For acquisition of equipment.....	\$2, 768, 500. 00
For acquisition of securities of other companies.....	20, 000, 000. 00
For construction of new lines, extensions, etc.....	18, 000, 000. 00
For general corporate purposes (not segregated).....	10, 000. 00
For payment of advances.....	1, 758, 834. 08
Total.....	\$42, 537, 334. 08
Total notes.....	100, 493, 834. 08

Equipment obligations: Assumed by carrier..... 122, 587, 000. 00
 Assumption of obligation and liability in respect of \$56,145,856.90.

Receivers' certificates:

For general purposes (not segregated).....	900, 000. 00
For refunding purposes.....	1, 050, 000. 00
Total.....	1, 950, 000. 00

Receivers' notes: For acquisition of equipment..... 1, 312, 980. 00

Grand total securities.....	{ 1, 723, 543, 132. 90
	1 4, 346, 290

Under section 20a (9) certificates of notification of the issue of notes, maturing within two years, in the aggregate sum of \$185,-106,370.09 were filed.

At the close of the period covered by our last annual report there were pending applications by the New York & Long Branch Railroad Co. and the Old Colony Railroad Co. for authority to issue common capital stock in payment of advances made by controlling companies for capital expenditures. There were also pending applications by the New York Central Railroad Co., the Meridian & Bigbee River Railway Co., the Mississippi River Western Railway Co., and the Murfreesboro-Nashville Southwestern Railway Co. for authority to issue common capital stock, and by the Mound City & Eastern Railway Co. for authority to issue common and preferred capital stock for various capital purposes, including the acquisition or construction of lines of railroad, the payment of indebtedness incurred for such purposes, and the reimbursement of the applicant's treasury for expenditures made for equipment. All these applications have been granted either in whole or in part, and in some instances subject to conditions. Applications for authority to issue common capital stock

¹ Shares of stock without nominal or par value.

for similar purposes, to retire outstanding obligations, and to reimburse the applicant's treasury for expenditures made for the purpose last stated, for additions and betterments, and in acquiring additional property, filed by the Chesapeake & Ohio Railway Co., the Clackamas Eastern Railroad Co., the Lowell & Southern Railroad Co., the New York Central Railroad Co., the Pennsylvania Railroad Co., the Texas Short Line Railway Co., and the Upper Merion & Plymouth Railroad Co. have also been granted, in some instances subject to conditions. The Grand Trunk Western Railroad Co. made application and was authorized to issue common and preferred capital stock in reimbursement of its treasury for expenditures made for capital purposes and in payment of advances made by its controlling company for such purposes. Upon the foregoing applications authority was granted to issue \$175,093,050 of common stock having a par value, \$6,184,022.44 of common capital stock without par value but having an assigned value of \$25 a share, and \$3,070,946.18 of preferred capital stock.

Applications for authority to issue convertible bonds in the aggregate amount of \$95,259,000 and to issue from time to time in conversion thereof, if and when presented for such purpose by the holders, not exceeding \$78,308,200 of common capital stock, were filed by the Baltimore & Ohio Railroad Co. and the Chicago, Rock Island & Pacific Railway Co. The Boston & Maine Railroad filed an application for authority to issue \$7,500,000 of prior-preference capital stock in conversion of a like amount of outstanding bonds. These applications and an application of the Missouri Pacific Railroad Co., pending at the beginning of the period covered by this report, for authority to issue \$71,800,100 of common capital stock in conversion of a like amount of preferred stock, have been granted.

An application filed by the Kahului Railroad Co. for authority to issue \$600,000 of capital stock as a dividend has been granted.

At the close of the period covered by our last annual report there was pending an application by the Seaboard Air Line Railway Co. for authority to issue 2,994,420 shares of common capital stock without par value, \$12,500,000 of mortgage bonds, and warrants evidencing the right to purchase 250,000 shares of stock in the voluntary readjustment of the carrier's capital structure under a plan and agreement whereby 400,410 shares of stock were to be issued in exchange for an equal number of outstanding shares of common stock of the par value of \$100 each, 375,000 shares, the warrants and the bonds were to be issued in exchange for \$25,000,000 of income mortgage bonds, and 2,219,010 shares, including 250,000 shares to be sold upon the exercise of the warrants, were to be sold and the proceeds used for paying funded debt, for making additions and bet-

terments, for working capital, and other corporate purposes. This application has been granted. A supplemental application by the Louisiana & Arkansas Railway Co. for authority to issue \$5,000,000 of preferred capital stock in two classes in exchange for a like amount of outstanding preferred stock, and an application by the Chesapeake & Ohio Railway Co. to issue \$191,528,367 of common capital stock having a par value of \$25 a share in exchange for a like amount of common and convertible preferred capital stock having a par value of \$100 a share, have also been granted. The Alton & Eastern Railroad Co. filed an application and was authorized to issue \$592,600 of common capital stock in lieu of a like amount of common capital stock issued subsequent to the effective date of section 20a without our authorization.

Reference was made in our last report to an application by the Grand Trunk Western Railroad Co. for authority to issue securities and to assume obligation and liability in respect of other securities in connection with the acquisition and operation of the properties of various companies comprising the system of the Canadian National Railway Co. in the United States, and to a similar application by the Delaware & Hudson Railroad Corporation with respect to the railway properties of the Delaware & Hudson Co. within the United States. These applications and a similar application filed by the Chesapeake & Ohio Railway Co. with respect to the properties of the Hocking Valley Railway Co. have been granted, in whole or in part, and subject to certain conditions, the carriers being authorized to issue for the purposes stated \$24,748,875 of common capital stock having a par value, 515,740 shares of common capital stock without par value, \$13,815,997.56 of common capital stock without par value, but having an assigned value of \$25 a share, \$22,348,453.82 of preferred capital stock, \$10,000,000 of debentures, and \$31,947,000 of mortgage bonds, and to assume obligation and liability in respect of securities aggregating \$224,779,026.78.

There were pending at the close of the period covered by our last annual report applications by the Castleman River Railroad Co., the Central Vermont Railway (Inc.), and the Ettrick Railroad Co. for authority to issue securities or issue securities and assume obligation and liability in respect of other securities in connection with the reorganization of predecessor companies and the acquisition and operation of the properties of such companies. Applications for authority to issue securities for like purposes were filed by the Carrollton Railroad, the Cincinnati-Georgetown Railroad Co., the Delaware & Northern Railway Co., the Savannah & Atlanta Railway Co., the White River Railroad (Inc.), and the Winchester & Wardsville Railroad Co. These applications were granted either in whole or in part, and in some instances subject to certain conditions, the car-

riers being authorized to issue for the purposes stated \$10,449,000 of common capital stock having a par value, 32,600 shares of common stock without par value, \$1,250,000 of preferred capital stock, \$5,000,000 of debentures, \$14,262,000 of mortgage bonds, and \$25,000 of mortgage notes, and to assume obligation and liability in respect of \$331,000 of other securities.

An application by the Gulf, Mobile & Northern Railroad Co. to issue common capital stock in connection with the acquisition by it of control of the New Orleans Great Northern Railroad Co. by exchange of capital stock, and a similar application by the Oklahoma City-Ada-Atoka Railway Co. in connection with the acquisition by it of control of the Oklahoma City-Shawnee Interurban Railway Co., both pending at the close of the period covered by our last annual report, have been granted, the carriers being authorized to issue for the purposes stated \$3,527,273 of common capital stock. An application by the New York, Chicago & St. Louis Railroad Co., pending at the close of the period covered by our last annual report, for authority to issue \$20,000,000 of notes in connection with the acquisition of certificates of deposit for capital stock of the Wheeling & Lake Erie Railroad Co. has been granted. The purpose and terms of the agreement under which the certificates were issued are given in our report in *Interstate Commerce Commission v. Baltimore & O. R. Co.*, 156 I. C. C. 607.

Reference was made in our last annual report to the applications of the Great Northern Pacific Railway Co. for authority to issue securities and to assume obligation and liability in respect of other securities in connection with the proposed acquisition by it of control of the Northern Pacific Railway Co., the Great Northern Railway Co., and the Spokane, Portland & Seattle Railway Co. In *Great Northern Pac. Ry. Co. Acquisition*, 162 I. C. C. 37, we issued a report in this proceeding, but entered no order. On October 13, 1930, we issued an order reopening the case for further hearing.

An application by the New York, Chicago & St. Louis Railroad Co. to issue \$6,753,300 of common capital stock and \$6,753,300 of preferred capital stock in connection with the proposed acquisition by it of control of the Wheeling & Lake Erie Railway Co., pending at the close of the period covered by our last annual report, and applications filed by the Delaware Valley Railway Co. to pledge \$7,500 of bonds, by the Pittsburgh & West Virginia Railway Co. to issue not exceeding \$1,700,000 of promissory notes, and by the Seaboard Air Line Railway Co. to extend for five years the time for payment of \$321,000 of bonds, were dismissed at the request of the several applicants. An application by the Elizabeth Southern Railway, pending at the close of the period covered by our last annual report, for authority to issue 5,000 shares of common capital

stock without par value, but having a declared value of \$100 a share, to pay for a proposed line of railroad, was denied. Upon petition of various carriers, or on our own motion where good cause appeared, we have vacated previous orders authorizing the issue of securities or entered supplemental orders reducing the amount of securities originally authorized to be issued. Orders authorizing the issue of \$500 of common capital stock, \$100,000 of bonds or notes, and \$100,000 of receiver's certificates were vacated, and other orders so modified as to reduce the amount of common capital stock, preferred capital stock, and mortgage bonds previously authorized, \$936,100, \$58,593.93, and \$24,000, respectively.

The amounts of equipment-trust obligations in respect of which carriers have been authorized by us to assume obligation and liability are shown above. All the equipment obligations, except those issued directly to the builders, were sold at competitive biddings. The table given on page 12 of our annual report for 1928 shows certain data with respect to the sale of equipment obligations and bonds in amounts of \$100,000 and over to bankers, and resales by them to the public, in cases where complete sales information is available. The table is here reproduced with additional data for the last six months of 1928, the calendar year 1929, and the first six months of 1930 included.

SALES OF EQUIPMENT OBLIGATIONS

Year	Principal amount sold	Weighted average		
		Spread in price to bankers and to public per \$100	Cost per cent to carriers	Yield per cent to public
1920 (7 months).....	\$2,400,000	\$1.91	7.13	6.81
1921.....	19,621,000	2.295	6.81	6.465
1922.....	86,390,000	2.33	5.74	5.31
1923.....	255,168,000	2.33	5.72	5.34
1924.....	198,333,000	1.86	5.26	4.945
1925.....	160,216,000	1.80	5.14	4.85
1926.....	92,313,000	1.47	4.95	4.71
1927.....	60,097,000	0.66	4.59	4.49
1928.....	33,525,000	0.64	4.42	4.31
1929.....	105,430,000	0.89	5.28	5.125
1930 (6 months).....	88,962,000	0.72	4.72	4.61

SALES OF BONDS

1920 (7 months).....	\$25,000,000	\$3.47	7.50	7.00
1921.....	342,104,000	4.54	7.25	6.74
1922.....	304,487,800	3.55	5.94	5.675
1923.....	144,007,000	2.815	5.51	5.35
1924.....	430,452,000	3.17	5.61	5.38
1925.....	298,295,500	2.95	5.62	5.39
1926.....	205,148,000	2.62	5.28	5.10
1927.....	499,926,500	2.60	5.10	4.94
1928.....	351,235,000	2.33	4.73	4.60
1929.....	105,239,000	2.465	5.20	5.00
1930 (6 months).....	516,481,000	2.48	4.97	4.82

INTERLOCKING DIRECTORATES

Under the provisions of section 20a (12) of the act it is unlawful for any person to hold the position of officer or director of more than one carrier unless such holding shall have been authorized by our order. During the period covered by this report we received 473 applications from individuals and 10 from carriers under this paragraph. These applications related to 1,099 different individuals. There were pending on November 1, 1929, two applications from individuals and one from a carrier. Disposition was made of 486 applications, of which 472 individual applications and 10 carrier applications were granted in whole or in part, one individual application was denied, and two individual applications and one carrier application were withdrawn.

As stated in our last report, the effect of the statute can not be measured by the number of cases in which we have refused to grant authority. It may be assumed that in many instances the law has exercised a controlling interest in the selection of individuals for positions with carriers having conflicting interests. Comparatively few applications for authority to serve such carriers have been filed with us.

REIMBURSEMENT OF DEFICITS DURING FEDERAL CONTROL

As stated in preceding reports, since the effective date of section 204 of the transportation act, 1920, 461 carriers have filed claims aggregating \$28,978,173. To date we have settled 447 claims, including 178 dismissals and 8 withdrawals. The total amount of certificates issued in settlement is \$10,428,289.71. This amount takes into consideration the cancellation referred to in the paragraph following. In issuing our certificates we also certified, pursuant to the provisions of the urgent deficiency act of May 8, 1920, that an aggregate amount of \$2,352,723.76, representing traffic balances and other indebtedness, was due the Director General of Railroads, as agent. In many cases the amount due the director general exceeded the amount payable to the carrier. The aggregate amount of such excess of indebtedness over amounts payable is \$430,465.39. The aggregate amount of our certificates applied in liquidation of the said indebtedness is \$1,922,258.37. The estimated amount required to settle the 14 outstanding claims is approximately \$500,000.

As stated in our last report, a number of the carriers owed their status as claimants under section 204 to our decision in construction of the word "deficit," 66 I. C. C. 765, as mentioned in our thirty-sixth annual report. On October 17, 1925, 99 I. C. C. 724, the finding in the report was reversed. Pursuant to the latter de-

cision, the case of the Butte, Anaconda & Pacific Railway was reopened. Upon further hearing and reconsideration the original certificate issued March 20, 1925, in the amount of \$487,116.31 was revoked and canceled and the claim was dismissed, 117 I. C. C. 780. This action was contested by the carrier and suit for recovery of \$487,116.31 has been instituted in the United States District Court for the District of Montana, Butte division. Pending final decision in that case no action has been taken by us to cancel the certificates for approximately \$2,500,000 issued to 70 other carriers under the construction of the word "deficit," 66 I. C. C. 765.

No certificates were issued in settlement since our last report, but we have dismissed the claims of the Arcata & Mad River Railroad Co., the Crittenden Railroad Co., the Fore River Railroad Corporation, the Gideon & North Island Railroad Co., the Morehead & North Fork Railroad Co., and the New York & Pennsylvania Railway Co.

SIX MONTHS' GUARANTY AFTER TERMINATION OF FEDERAL CONTROL

We stated in preceding reports that the guaranty under section 209 of the transportation act, 1920, was conditioned upon carriers filing an acceptance of its provisions on or before March 15, 1920; that 667 carriers qualified and filed claims aggregating approximately \$680,000,000 pursuant to our order of December 15, 1921, 70 I. C. C. 711; and that this order excluded from consideration certain elements in effecting settlements under the guaranty for which claims had previously been made.

To date we have settled 523 claims and dismissed 139, leaving 5 claims pending, which we estimate will require approximately \$200,000 to settle. The total amount certified in disposing of 662 claims is \$528,985,521.20.

In disposing of 662 claims aggregating \$679,867,444.65 we have disallowed under our established procedure \$150,881,923.45. These adjustments were due to accounting corrections relating to the test and guaranty periods; adjustments under section 4 of the Federal control act with respect to interest on additions and betterments; maintenance claims not allowable under paragraph 3 of subdivision (f) of section 209, disproportionate items pursuant to paragraph 5 of that subdivision; deductions on account of unaudited items as provided in section 212; and special claims not recognized under our procedure.

No settlements have been effected with carriers since our last report.

LOANS TO CARRIERS

Our duties during the year in connection with the revolving fund created by section 210 of the transportation act, 1920, have been only such as are usually incidental to supervision by the Secretary of the Treasury of loans outstanding under this section.

During the year a total of \$7,436,945.94 was repaid on account of the principal of such loans outstanding.

A revised list of loans and repayments, together with a statement of the condition of the revolving fund, will be found in Appendix F.

BUREAU OF FORMAL CASES

In our report for 1923 we described the shortened procedure and in each subsequent report we have shown the results obtained since the adoption of that procedure. In furtherance of that method of procedure and with a view to further expediting the disposition of cases filed on our formal docket, we have since our last report created a shortened-procedure section and a reviewing section each with a chief of section in charge assisted by a corps of examiners assigned from the existing staff. Briefly, the shortened-procedure section has charge of all cases handled under the shortened procedure from the time of filing of the complaints until submission to us for consideration and decision; and the reviewing section reviews proposed reports of examiners in cases orally heard, in the light of the record, exceptions, and argument before submission to us for consideration and decision. The following statements and tables show comparative data on the formal docket, including the shortened-procedure cases, for the past four years:

The formal complaints filed numbered 1,412, of which 1,153 were original complaints and 259 subnumbers, a decrease of 108 as compared with the previous period. Valuation and finance proceedings are not handled on the formal docket. We decided 1,244 cases and 303 have been dismissed by stipulation or on complainants' request, making a total of 1,547 cases disposed of, as compared with 1,777 during the previous period.

Approximately 142 formal and investigation and suspension cases have been reopened for further hearing and reconsideration.

We conducted 1,491 hearings and took approximately 217,621 pages of testimony, as compared with 1,355 hearings and 219,519 pages of testimony during the preceding period.

The following statement shows certain facts with respect to the condition of this docket as of October 31 of the years indicated:

	1927	1928	1929	1930
Formal complaints filed.....	1,318	1,404	1,192	1,153
Subnumbers.....	243	289	328	259
Investigation and suspension cases instituted.....	213	189	176	153
Cases under submission at end of period:				
Regular docket.....	633	483	512	687
Shortened procedure.....	291	230	159	88
Cases disposed of including subnumbers and reopened cases.....	1,657	2,166	2,120	1,825
Number of pending dockets.....	2,852	2,740	2,477	2,352

Approximately 31 per cent of the total number of formal complaints are now handled by the shortened-procedure method as compared with 35, 40, and 37 per cent during three preceding years. In cases so handled and decided during this year, the average elapsed time to reach a decision was 399 days from the receipt of complaint, and 218 days from receipt of the final memorandum. The corresponding periods during the three preceding years were 479 and 272, 480 and 300, and 452 and 285 days, respectively. The following statement gives details concerning the docket as of October 31 of the years indicated:

Explanation	1927	1928	1929	1930
Suggested for handling under the shortened procedure, either by us or by the parties.....	763	827	668	672
In which method not accepted by one or more of the parties.....	167	328	232	326
In which agreement was subsequently reached by the parties making further formal proceedings unnecessary:				
Before service of complainant's memorandum.....	29	15	27	22
After service of complainant's memorandum.....	32	37	13	20
In which complaints withdrawn.....	82	48	31	39
Dismissed for want of prosecution.....	10	3	5	6
Decided.....	305	550	440	402
Pending in various stages short of submission.....	427	365	359	238
Pending under submission at end of period.....	291	230	159	88
Pending on suspense calendar.....	6	4	1	1
Total pending cases.....	724	599	519	327

BUREAU OF INFORMAL CASES

The number of informal complaints received was 6,651, a decrease of 688. The carriers filed 11,568 special docket applications for authority to refund amounts collected under the published tariffs admitted by them to have been unreasonable, a decrease of 275. Orders authorizing refund were entered in 10,658 cases, an increase of 620, and reparation thereon was awarded in the sum of \$1,804,780.56. In addition, 1,196 cases were dismissed or disposed of without orders. The bureau also handled approximately 36,700 letters, many of which had the characteristics of informal complaints, although not so classified. Others sought general information and informal rulings upon the rights and obligations of the public and common carriers under existing statutes.

BUREAU OF INQUIRY

For violations of the interstate commerce act and related acts, 23 indictments were returned and 11 informations were filed. Fifty-four cases were concluded. Fines and penalties aggregating \$197,700 and several substantial sentences of imprisonment were imposed. Prosecutions instituted and concluded were distributed over the following States: Alabama, Arkansas, California, Idaho, Illinois, Kansas, Kentucky, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, Ohio, Pennsylvania, Tennessee, Texas, Virginia, and Wyoming.

Indictments returned and informations filed during the year charged the granting and accepting of concessions by carriers and shippers, respectively, false billing of freight by shippers, filing of false claims for loss and damage by shippers with carriers, failure by carriers to observe tariffs, unlawful use of interstate passes, falsifying records kept by a carrier, and embezzling a carrier's funds.

Three petitions were filed in district courts. One was for a writ of mandamus to compel compliance with the so-called commodity clause of the interstate commerce act by a carrier whose principal traffic is furnished by an industry which controls the carrier. Another was for an injunction to restrain disbursement by an industrial company of funds received by it from a carrier whose stock it owns, and was filed with a view to preserving the Government's equity, under the recapture provisions of the act, in the excess earnings of the carrier. The last one was for an injunction to restrain a carrier from issuing securities and assuming obligations without our approval, in violation of section 20a of the act.

Our authority under section 11 of the Clayton Act was invoked during the preceding year by serving upon the Southern Railway Co. a complaint outlining facts which indicated the acquisition and control by that carrier of stock of the Mobile & Ohio and the New Orleans & Northeastern Railroad Cos. to be in violation of section 7 of that act. The proceeding thus instituted, in which no hearings as yet have been had, and a similar proceeding, involving the acquisition and control by the Pennsylvania Railroad Co. of stock of the Wabash and Lehigh Valley Railroad Cos., which was heard and argued during the year, are pending on the commission's docket.

Important decisions were announced in two cases in which the Government had appealed from the rulings of the lower courts. A brief summary of those cases follows:

In *United States v. Clyde S. S. Co.*, 36 F. (2d) 691, the Circuit Court of Appeals, Second Circuit, overruled the judgment of the District Court for the Southern District of New York.

This case was based upon a suit to recover from the carrier the penalty named in section 20 (6) of the act for refusal to permit one of our special agents to examine its accounts and records. In construing the provisions of that section the appellate court followed the decision in *Interstate Commerce Commission v. Goodrich Transit Co.*, 224 U. S. 194, by holding that the commission may require carriers subject to the act to submit for examination their accounts and records relating to traffic over which we have no jurisdiction as well as to traffic falling within our jurisdiction, and it also ruled (1) that the bringing of a mandamus proceeding to require a carrier to submit its accounts and records to examination does not preclude the Government from collecting forfeitures for refusal to permit inspection during the pendency of the mandamus proceeding, and (2) that the penalty of \$500 per day for each day of such refusal is not so harsh as to constitute a violation of the carrier's constitutional rights.

The court, in disposing of these two points, stated in respect of the first, that—

The contention that the proceeding for a writ of mandamus was an election to abandon all claims to forfeitures is without basis. The two remedies afforded by the statute are not inconsistent. The first is to force action; the second, to penalize a refusal to act. The second is a mere spur to promptitude in furnishing information required by the Commission, while the first literally unlocks the door. There can be no election in a situation like this.

And as to the second, used the following language:

Nor can we say that a penalty of \$500 per day for refusal to furnish information is excessive and confiscatory. It seems doubtful whether a small penalty would furnish sufficient inducement to compliance with requests for information. The extent of the penalty required to insure prompt action seems to be a matter for legislative determination so long as such determination does not transcend the bounds of reason.

A petition for a writ of certiorari, filed by the carrier, was denied by the Supreme Court, 281 U. S. 744.

In *United States v. Munson Steamship Line*, 37 F. (2d) 681, the Circuit Court of Appeals, Fourth Circuit, sustained the judgment of the District Court for the District of Maryland that an application for a writ of mandamus to compel the Munson Line to file rates with us should be denied on the ground that the carrier's transportation service is not within our jurisdiction.

This carrier receives directly from rail carriers at Baltimore, for transportation by water to Florida ports, freight which originates at inland points. No joint rail-and-water rates are published and through bills of lading are not issued. However, the bills of lading of the rail carriers, while indicating that the consignee of the shipments is the Munson Line at Baltimore, nevertheless show the name

of the actual consignee beyond Baltimore and the actual point of destination. No interruption, except such as is necessary in the transfer of freight from car to vessel, occurs at Baltimore. The Munson Line follows the practice of obtaining from the consignors at the interior points written notice as to the destination and consignee of the traffic before issuing its bills of lading. Such instructions seem to be unnecessary in view of the fact that the bills of lading issued by the rail carriers and the transfer slips under which the rail carriers deliver the freight to the water carrier contain such information, and apparently they are obtained merely in an effort to give color to the contention that the continuity of the shipments is broken at Baltimore. The Munson Line advances to the rail carriers at Baltimore their charges to that port and collects from the consignees in Florida both its own and the rail carriers' charges.

The government's position is that this method of handling traffic constitutes a common arrangement for continuous carriage or shipment within the meaning of section 1 (1) of the act, and hence that the Munson Line is subject to our jurisdiction and is required to file its rates with us in accordance with the provisions of section 6 of the act.

The circuit court of appeals, in refusing to accept this position, seems to have based its judgment principally upon the grounds (1) that the purpose of Congress in enacting section 1 (1) of the act was to regulate carriers by rail and not carriers by water; (2) that to be a "common arrangement" the arrangement between a railroad and a water carrier must be analogous to a "common control" or "common management"; (3) that the existence of joint rates and through bills of lading, or some agreement between the carriers concerning the division of their charges, is a necessary ingredient of a common arrangement; and (4) that the Munson Line, in advancing charges to the rail carriers, as well as in issuing its own bills of lading, acts solely as agent of the shippers and not of the rail carriers.

A petition for a writ of certiorari, filed by the Government, was granted (281 U. S. 715). The decision of the Supreme Court in this case is awaited with interest, in view of the fact that in the enforcement of the act considerable uncertainty as to what constitutes a common arrangement for transportation partly by railroad and partly by water has existed.

A summary (a) of indictments returned and informations, complaints, and petitions filed in the United States district courts in cases arising under the provisions of the interstate commerce and related acts, and (b) of such cases as were concluded in those courts, is set forth in Appendix A.

BUREAU OF LAW

On October 31, 1929, there were 28 cases involving our orders or requirements pending in the courts. During the year 22 cases have been instituted and 12 have been concluded, leaving 38 cases now pending in the different courts. Of these 9 are in the Supreme Court of the United States, 25 are in the district courts, 2 are in the Court of Appeals of the District of Columbia, and 2 are in the Supreme Court of the District of Columbia.

Seven cases were submitted for decision to the Supreme Court of the United States and decided, 2 cases were concluded in the Court of Appeals of the District of Columbia, and 3 were concluded in district courts of the United States. Summaries of all the foregoing cases are shown in Appendix B.

The cases decided by the Supreme Court were:

United States and Interstate Commerce Commission v. Erie Railroad Company et al., 280 U. S. 98.

In this case the court had before it the validity of our order in *Hamersley Manufacturing Company v. Erie Railroad Company*, 126 I. C. C. 491, 148 I. C. C. 47, prescribing rates for the rail transportation, from Hoboken to Garfield, both in New Jersey, on pulpwood imported from Europe through the port of Hoboken. We had held that the rail portion of the transportation was but the continuation of an import shipment. In resisting the order the carrier contended that the intrastate rail movement was a "new and independent transaction" over which we had not jurisdiction. This view was adopted by the lower court, and in reversing that court the Supreme Court, speaking through Mr. Justice Brandeis, among other things, said:

* * * the nature of the shipment is not dependent upon the question when or to whom the title passes, * * *. It is determined by the essential character of the commerce. * * * It is not affected by the fact that the transaction is initiated or completed under a local bill of lading which is wholly intrastate, * * *; or by the fact that there may be a detention before or after the shipment on the local bill of lading, * * *. The findings of the commission, that the broker acts only as agent and that from the time that the pulp is put aboard the steamer there is a continuing intent that it should be transported to Garfield, ought to have been accepted by the District Court as conclusive, since there was ample evidence to sustain it. * * * The rail transportation is in fact a part of foreign commerce.

Interstate Commerce Commission v. United States ex rel. City of Los Angeles, 280 U. S. 52.

In this case the court upheld our decision in *Los Angeles Passenger Terminal Cases*, 100 I. C. C. 421, 142 I. C. C. 489, to the effect that we were without jurisdiction to require the Southern Pacific, the Atchison, Topeka & Santa Fe, and the Los Angeles & Salt Lake

Railroads to install, in lieu of their existing individual stations, a new union station at a new site in the city of Los Angeles.

The controversy had its inception in an order of the California State commission directing those railroads to acquire lands in the plaza area in the city of Los Angeles, and to construct a union station pursuant to plans to be approved by said commission. Upon writ of review the State Supreme Court (190 Cal. 214) adjudged the State commission's order invalid on the ground that the transportation act, 1920, had vested authority over union stations in us. Upon certiorari to the United States Supreme Court that judgment was affirmed in *Railroad Commission v. Southern Pacific Co.*, 264 U. S. 311, on the ground, in substance, that our certificate of public convenience and necessity under paragraphs (18) to (21) of section 1 of the act for the incidental extensions and abandonments of main track that would be involved in the installation of such union station was a condition precedent to the validity of any action by the carriers or order of the State commission.

Meantime the proceeding before us had been instituted by complaint filed by the city of Los Angeles asking that the carriers be required to acquire land in the plaza area and to construct a union passenger station thereon, and that they be authorized to undertake such extensions and abandonments of lines and to arrange for such joint use of terminal track and facilities as might be necessary in connection with the installation of the union station. In our report rendered in the proceeding we made findings approving such extensions and abandonments of lines and joint use of track and facilities as might be necessary or incidental to any union station constructed in the plaza area in accordance with a lawful order of the California commission, but we held that we were not empowered to order construction of the union station. Our then report was not accompanied by certificates carrying out our findings, and we reserved jurisdiction to alter those findings in the event that the final plan adopted by the State commission should be materially different from that "here considered to be in the public interest." Thereafter the State commission reopened its proceedings and issued an order for the construction of the union station in substantial compliance with a plan which it prescribed, but that order was to become effective only after we had issued our certificates or orders covering, not alone the extensions and abandonments of track involved, but also the construction of the union station. Following this the city petitioned us to issue certificates based on our previous findings and also for an order requiring the establishment of the union station. After further hearings we issued the certificates as prayed for, but adhered to our conclusion that we were without authority to order construction of the union station.

Subsequently the city sought a writ of mandamus from the Supreme Court of the District of Columbia compelling us to give consideration to the record in the proceedings before us, with a view to making a mandatory order requiring those railroads to install the union station. That court dismissed the city's petition, but the Court of Appeals of the District of Columbia reversed the judgment, its accompanying opinion holding that we had authority to require the building of the new union station. The United States Supreme Court granted a writ of certiorari and its decision reversed the judgment of the court of appeals and upheld our conclusion that we were without jurisdiction to require the installation of the new union station. The following portions of its opinion, written by Chief Justice Taft, are particularly pertinent:

Without more specific and express legislative direction than is found in the Act, we can not reasonably ascribe to Congress a purpose to compel the interstate carriers here to build a union passenger station in a city of the size and extent and the great business requirements of Los Angeles. The Commission was created by Congress. If it was to be clothed with the power to require railroads to abandon their existing stations and terminal tracks in a city and to combine for the purpose of establishing in lieu thereof a new union station, at a new site, that power we should expect to find in congressional legislation. Such authority, if conferred in Los Angeles, would have application to all interstate railroad junctions, including the numerous large cities of the country, with their residential, commercial, shopping, and municipal centers now fixed and established with relation to existing terminals. It would become a statute of the widest effect and would enter into the welfare of every part of the country. Various interests would be vitally affected by the substitution of a union station for the present terminals. A selection of its site from the standpoint of a city might greatly affect property values and likewise local transportation systems. The exercise of such power would compel the carriers to abandon existing terminals, to acquire new land and rights of way and enter upon new construction, to abandon large tracts and to sell territory of the same extent as no longer necessary for the use of the carriers.

* * * * *

When the interest of a great city in its improvements is to be promoted entirely at the expense of railroads that enter it, Congress would be expected to hesitate before it would change discretionary leave for the erection of such stations into positive command. In such a case the expenditure of a large amount of capital will not bring with it corresponding increase in the railroad revenues. If Congress had intended to give an executive tribunal unfettered capacity for requisitioning investment of capital of the carriers and the purchase of large quantities of land and material in an adverse proceeding, we may well be confident that Congress would have made its meaning far clearer and more direct than in the present meager provisions of the Transportation Act. The suggestion of complainants is that out of provisions for local union of main tracks and switching tracks we should use our imagination and develop them into provisions for giant union passenger stations. It is true that the railway systems may be united through switches and connecting tracks in physical connection, but this has not been held to justify great monumental structures, extended in their complicated machinery and superficial extent and expense.

There is a difference of real substance between such connecting tracks and switches and junctions and a passenger metropolitan union station. The latter calls into being a new entity naturally requiring new legislative authority.

As bearing on the interpretation properly attributable to its earlier decision, the court said:

But it is said that we have already foreclosed the conclusion in this case by our opinion in 264 U. S. 331. The only issue there presented to this Court, was whether it was necessary to secure from the Interstate Commerce Commission its approval of the construction of a union station and the relocation of the connecting tracks proposed. The point in that case was the necessity for the acquiescence by the Interstate Commerce Commission in respect to a union passenger station. We held such a certificate to be necessary before a union station or connecting lines of interstate carriers could be lawful. That is all we held.

It is quite true that we made references in the opinion to a case foreshadowed in the hypothetical certificates of the Commission in the building of a union station. Such references, had, however, not the slightest significance in respect to who could or should build the station, or whence its cost should be defrayed. It was as far as possible from the purpose of the Court in its opinion to indicate its views of the powers which the Commission could exercise adversely to the carriers in compulsory proceedings. They were not before the Court for adjudication.

Piedmont & Northern Railroad Company v. Interstate Commerce Commission et al., 280 U. S. 469.

In this case there was involved the validity of our order in *Piedmont & Northern Construction*, 138 I. C. C. 363. The commission proceeding was instituted by application filed by the Piedmont & Northern, an electrically-operated railway, under paragraphs (18) to (21) of section 1 of the act, asking authority to undertake certain extensions of its lines. The application was made with the understanding that the Piedmont & Northern reserved the right to contend that it was an interurban electric railway, excepted by paragraph (22) of section 1 from commission authority over construction of new lines of railroad; and, after filing its application, the Piedmont & Northern moved to dismiss on that ground. In our report we held that the Piedmont & Northern was not an interurban electric railway within the meaning of the exception to our jurisdiction contained in paragraph (22), and, assuming jurisdiction, we found that the proposed extensions of lines were not required by the public convenience and necessity. By order we denied the application. Thereafter the Piedmont & Northern instituted this suit under the urgent deficiencies act of October 22, 1913, asking, in substance, that our order, taking jurisdiction of its said application and denying the same, be set aside and annulled. In addition to filing answer to the petition, we moved to dismiss on the ground that the court lacked

jurisdiction because our order, denying the administrative relief prayed for, was negative within the meaning of the *Procter & Gamble case*, 225 U. S. 282, and *Lehigh Valley R. Co. v. United States*, 243 U. S. 412. The lower court assumed jurisdiction and its decree, dismissing the petition of the Piedmont & Northern, was based upon the merits, that is, the court upheld our conclusion that the Piedmont & Northern was not an interurban electric railway within the meaning of the exemption contained in paragraph (22).

Upon the appeal we renewed our objections to the jurisdiction of the court. The decision of the Supreme Court is to the effect that the lower court should have dismissed the bill of complaint for want of jurisdiction, rather than on the merits. Pertinent provisions of the opinion read as follows:

Plaintiffs do not complain of the order's denial of a certificate of public necessity and convenience. They concede that no court has the power to compel the Commission to issue such a certificate, since no railroad subject to the provisions of the Act has a right to extent its lines. Therefore, the order denying a certificate, being negative in substance as well as in form, infringed no right of the Railway. Compare *Procter & Gamble Co. v. United States*, 225 U. S. 282; *Lehigh Valley R. R. Co. v. United States*, 243 U. S. 412; *United States v. New River Co.*, 265 U. S. 533, 540. * * * Their sole contention is that the court below and the Commission erred in not holding that the Railway is an interurban electric railway within the exemption of paragraph 22. The defendants renew their objections to the jurisdiction of the court.

We think that the defendants' objection is well taken. * * * If, as is contended, the Commission was without jurisdiction, the Railway is as free to proceed with the construction as if the application had not been made and the Commission had not acted. Nothing done by the Commission can prejudice the Railway's claim to immunity in any other proceeding.

It is true that, if the Railway builds without having secured a certificate, it may suffer serious loss. For, a court may hold, in an appropriate proceeding, that the Railway is within the purview of paragraph 18. And the Railway may be thus subjected to the penalties prescribed by paragraph 20. These risks arise, however, not from the order, but from the statute. Compare *Lehigh Valley R. R. Co. v. United States*, 243 U. S. 412, 414. The order is entirely negative. It is not susceptible of violation and cannot call for enforcement. It does not finally adjudicate the Railway's standing; nor does it enjoin it to do or refrain from doing anything. The penalties provided in paragraph 20 are prescribed not for violation of an order of the Commission, but for violation of the provisions of the statute. * * *

If the statute gives the Commission jurisdiction over the Railway's application, then concededly the order is not subject to attack. If, on the other hand, the statute does not confer the jurisdiction, then obviously the order is no obstacle to the Railway's plans. What plaintiffs are seeking is, therefore, in substance, a declaratory judgment that the Railway is within the exemption contained in paragraph 22 of the Act. Such a remedy is not within either the statutory or the equity jurisdiction of federal courts. * * *

Alexander Sprunt & Son, Inc., v. United States, Interstate Commerce Commission, et al., 281 U. S. 249.

In this case there was involved the validity of our order of April 4, 1927, entered in *Application of Rates on Cotton to Gulf Ports*, 123 I. C. C. 685, 100 I. C. C. 159, whereby certain railroads were required to remove, in a manner therein prescribed, undue prejudice and preference caused by their rates on cotton shipped from interior points in Texas, Louisiana, Oklahoma, and Arkansas to Houston and other ports on the Gulf of Mexico. From said points of origin to the several Gulf ports there were on all the railroads two schedules of rates on cotton—the domestic or city delivery rates and the export or ship-side rates. The latter were, prior to the entry of the commission's order, about 3.5 cents per 100 pounds higher than the former, said difference being approximately equal to the cost of transporting the cotton, by dray or by switching, from uptown concentrating plants in the ports to ship side and serving to equalize rates as between the uptown plants and interior concentrating plants. In 1921, and later, Alexander Sprunt & Son (Inc.), and others, established warehouses and compressing plants at the wharves, from which there was no need of local transportation by dray or switching to ship side, and accordingly the lower domestic rates were applied on cotton shipped to them, even though intended for export. This practice gave to the water-front plants an obvious advantage over those located uptown in the ports and over those located in the interior. Following extended hearings, the commission found that the existing adjustment of rates was unduly prejudicial to the uptown and interior concentrators, and it ordered the discrimination removed by rate equalization which was to be effected by reducing the ship-side rates and increasing the city-delivery rates to a common level.

Two suits to enjoin and set aside the order were instituted in the Federal court for southern Texas, the first by Alexander Sprunt & Son (Inc.), and other water-front concentrators, and the second by the Texas & New Orleans Railroad Co. and other rail carriers. The two cases were ordered consolidated and were heard as a single cause. The lower court sustained the validity of the order and dismissed the bills.

The appeal was taken by Alexander Sprunt & Son (Inc.), and other water-front concentrators. None of the carriers appealed from the decree; acquiescing in the decision of the lower court, and in the order of the commission, they established the prescribed rate adjustment. The Supreme Court held that appellant shippers were without standing, in their own right, to attack the commission's finding of undue prejudice and preference and its order prescribing the

manner of removing the same. In this connection the court, among other things, said:

* * * In the case at bar, the appellants have no independent right which is violated by the order to cease and desist. They are entitled as shippers only to reasonable service at reasonable rates and without unjust discrimination. If such service and rates are accorded them, they can not complain of the rate or practice enjoyed by their competitors or of the retraction of a competitive advantage to which they are not otherwise entitled. The advantage which the appellants enjoyed under the former tariff was merely an incident of, and hence was dependent upon, the right, if any, of the carriers to maintain that tariff in force and their continuing desire to do so.

Why the carriers filed the new rate structure now in force is no concern of the appellants. If the carriers had done so wholly of their own motion, obviously these shippers would have had no ground of complaint, before any tribunal, unless the new rates were unreasonable or unjust. If they were believed by the appellants to be so, a complaint before the Commission would be the appropriate remedy. * * *. The appellants' position is legally no different from what it would have been if the carriers had filed the rates freely, pursuant to an informal suggestion of the Commission or one of its members; or if the filing had been made by carriers voluntarily after complaint filed before the Commission which had never reached a hearing, because the rate structure complained of was thus superseded. The carriers who were respondents before the Commission filed the new rates, presumably because they now desire them. Nothing to the contrary is shown. So far as the carriers are concerned, it is as if the new rates had been filed wholly of their own accord and as if there had never been a controversy before the Commission. Since the appellants' economic advantage as shippers was an incident of the supposed right exercised by the carriers, the appellants cannot complain after the carriers are satisfied or prefer not to press their right, if any.

Furthermore, the court considered that the main issue in the case had become moot since entry of the decree of the court below, and, in this connection, the opinion reads:

Moreover, by the action of the carriers, the issue of undue prejudice and unjust preference, which had been passed upon by the Commission, has become moot. Compare *United States v. Anchor Coal Co.*, 279 U. S. 812. Most of the carriers never sought to annul the order. Those that joined in the suit to set it aside have since voluntarily severed themselves from the shippers who object to it. The fact that some carriers at one time protested is of no significance, among other reasons, because their protest may have been directed, not against that part of the order which commanded an equalization of rates, but against the particular figure at which equalization was ordered. There is nothing to show that any carrier is now in sympathy with the appellants' attack on the order. A judgment in appellants' favor would be futile. It would not restore the appellants to the advantage previously enjoyed. If the Commission's order is set aside, the carriers would still be free to continue to equalize the rates; and for aught that appears would continue to do so.

The Pittsburgh & West Virginia Ry. Co. v. United States, Interstate Commerce Commission, et al., 281 U. S. 479.

In this case there was involved the validity of our order entered in *Operation of Passenger Terminal Facilities at Cleveland, Ohio*, by

Wheeling & Lake Erie Railway Company, 154 I. C. C. 516, in which we had granted two applications for certificates of public convenience and necessity filed by the Wheeling & Lake Erie Railway, the one for authority to abandon its Ontario Street station in Cleveland, and the other for authority to use the facilities of a proposed new union terminal, and, pending its completion, to use the facilities of the station of the Erie Railroad and the tracks of the Big Four. The Wheeling's Ontario Street station was in line of the easterly approach to the proposed union terminal, and, after long negotiations, a plan had been evolved whereby the Wheeling consented to sell its station site and become a tenant in the new terminal at an annual rental of \$20,000. Contracts were made embodying this plan, subject to our approval. Appellant, the Pittsburgh & West Virginia Railway, a minority stockholder and connecting carrier of the Wheeling, had been permitted to intervene in the proceeding before us and had opposed the granting of the application on grounds, among others, that Wheeling's applications were authorized by directors elected by votes of stock acquired by the Nickel Plate and other carriers in violation of the Clayton Act; that its directors had not given it the benefit of their unbiased judgment; that its contracts had been executed without first securing the consent of its stockholders, as required by Ohio laws; that the agreed price to be paid to it for its station site was inadequate; that the agreed rental to be paid by it for use of facilities in the new union terminal was so low as to be unduly preferential of it, and, therefore, subject to be increased by us; and that, if increased so as to eliminate the preference, it would be more than it could afford to pay.

In instituting the suit the Pittsburgh & West Virginia had asked the lower court (1) to enjoin the Wheeling from abandoning its station and from performing its said contracts and (2) to set aside and annul our order granting the certificates of public convenience and necessity. As against the Wheeling the prayer of the bill was founded on the several grounds advanced before us, and as against the United States and the commission on the additional grounds that we had erred in holding that we were without jurisdiction to pass on the adequacy of the price to be paid for the land and on the alleged violation of Ohio laws, in holding that Wheeling's directors were competent to act for it in the matter, and in holding that the rental to be paid by Wheeling for use of the new union terminal was not subject to be increased by us.

The lower court's decree dismissed the bill on the merits as to both classes of relief prayed for. While it recognized that the questions concerning the alleged violations of Ohio law, the competency of Wheeling's directors, and the other grounds of attack

on the Wheeling's action were not properly before it as a 3-judge court, convened in a suit under the special jurisdictional act to set aside an order of the commission, it nevertheless passed upon them, since diversity of citizenship existed and the district judge concurred in the judgment. And it reserved to appellant the right to sever those issues for purposes of appeal and to treat its decision on them as the decision of a single judge. Appellant, however, did not avail itself of that privilege, but prosecuted a direct appeal under the special jurisdictional act to the Supreme Court from the whole decree.

While the Supreme Court affirmed the decree dismissing the bill of complaint, it did so not upon the merits but upon the grounds (1) "that appellant had no standing to bring this suit as one to set aside an order of the commission," and (2) "that, in so far as the suit may be treated as one within the general equity jurisdiction of the district court, we have no jurisdiction on a direct appeal to review its decision."

As to the Pittsburgh & West Virginia's lack of standing to bring suit, the decision reads: •

The mere fact that appellant was permitted to intervene before the Commission does not entitle it to institute an independent suit to set aside the Commission's order in the absence of resulting actual or threatened legal injury to it, *Alexander Sprunt & Son v. United States*, 281 U. S. 249. Nor does the mere fact that its lines connect with those lines of the Wheeling near the City of Pittsburgh, Pennsylvania, entitle it to bring the suit. Its lines do not extend to Cleveland; and there is no suggestion that the order can affect it as carrier. Finally, the claim that the order threatens the Wheeling's financial interest as a minority stockholder is not sufficient to show a threat of the legal injury necessary to entitle it to bring a suit to set aside the order. This financial interest does not differ from that of every investor in Wheeling securities or from an investor's interest in any business transaction or lawsuit of his corporation. Unlike orders entered in cases of reorganization, and in some cases of acquisition of control of one carrier by another, the order under attack does not deal with the interests of investors. The injury feared is the indirect harm which may result to every stockholder from harm to the corporation. Such stockholder's interest is clearly insufficient to give the Pittsburgh a standing independently to institute suit to annul this order. The bill should have been dismissed without inquiry into the merits.

As to the improper joinder in a suit to set aside a commission order of issues properly cognizable in a suit invoking the general equity jurisdiction of the district court, the decision reads:

The prayer that the contemplated action of the Wheeling should be enjoined because its directors hold office illegally, are faithless to their trust, are acting in violation of the rights of stockholders under the Ohio law, and, hence, that the Wheeling could not legally exercise the authority granted to it by the Commission, was not properly joined in this suit and is not subject to review in

this Court on a direct appeal. An application for such relief may not be included in a bill under the Urgent Deficiencies Act to set aside an order of the Interstate Commerce Commission. Compare *Cleveland, etc., Ry. Co. v. United States*, 275 U. S. 404, 414; *Great Northern Ry. Co. v. United States*, 277 U. S. 172, 181. It is neither ancillary to nor dependent upon the judgment as to the order. Relief of that character may be had only in a suit invoking the plenary equity jurisdiction of the district court. Such a suit would be heard in ordinary course by a single judge; and it would be appealable only to the Circuit Court of Appeals. The case at bar is wholly unlike *The Chicago Junction Case*, 264 U. S. 258, 269, where a prayer to set aside the illegal purchase of stock and the lease already made was held proper as ancillary to setting aside the order of the Commission authorizing the same. There, the joinder was permitted in order to carry out the purpose of Congress to make the judicial review effective. Here, such joinder is unnecessary for that purpose. Moreover, grounds for general equitable relief, obviously, can not give the Pittsburgh a standing in this Court on direct appeal under the Urgent Deficiencies Act, when it had no right to bring suit under that Act.

While there was no occasion for the district court to consider the merits, the bill was properly dismissed. The decree is affirmed without prejudice to the right, if any, of the Pittsburgh to enjoin in a proper proceeding action by the Wheeling.

Ann Arbor Railroad Company et al. v. United States, Interstate Commerce Commission, et al., 281 U. S. 658.

In this case there was involved the validity of our order of July 20, 1927, in *California Growers' & Shippers' Protective League v. Southern Pacific Co. et al.*, 129 I. C. C. 25, 132 I. C. C. 582, requiring certain carriers to establish and put in force rates we had prescribed for the transportation of deciduous fruits, in carloads, from points in California to points in other States east of the Rocky Mountains. The decree of the lower court sustained the validity of the order and dismissed the carriers' bill of complaint. Upon the appeal the Supreme Court reversed that decree. Elsewhere in this report (p. 61) we have discussed and quoted from the opinion in this case.

Interstate Commerce Commission v. United States ex rel. Northern Pacific Railroad Company, 282 U. S. —, decided October 13, 1930. In this case the Supreme Court granted the respondent's motion to dismiss the writ of certiorari, which had been granted to review a decision of the Court of Appeals of the District of Columbia requiring, by mandamus, the commission to assume jurisdiction under section 13 of the interstate commerce act over intrastate rates on petroleum prescribed by the Montana commission. We had declined to assume jurisdiction on the ground that the State rates had not become effective because of the fact that the railroad had obtained a stay order from the United States district court. After the decision of the court of appeals, the Supreme Court of the United States, in *Board of Railroad Commissioners of North Dakota v. Great Northern Railway*, 281 U. S. 412, held that the fact that a section 13 case was pend-

ing before us did not afford ground for the issuance of a preliminary injunction, whereupon the United States District Court for the District of Montana vacated its stay order and the railroads put the intrastate rates in effect as required by order of the Montana commission. We then assumed jurisdiction of the complaint filed by the carriers, under section 13, that the intrastate rates on petroleum discriminated against interstate commerce, and assigned the case for hearing. In our brief filed in the Supreme Court we set forth these facts, but contended that if the court should consider that the case had become moot, it should not alone dismiss the judgment of the court of appeals but should reverse and remand the case with instructions to dismiss the petition for writ of mandamus. The court's order of October 13 read as follows:

The motion of respondents to dismiss the writ of certiorari in this case is granted. The writ is dismissed; the judgment of the Court of Appeals of the District of Columbia is reversed, and the case is remanded to the Supreme Court of the District of Columbia with directions to set aside its order for the issuance of a peremptory writ of mandamus and to dismiss the petition for writ of mandamus.

Other decisions of interest in connection with our work were:

United States v. Guaranty Trust Company of New York et al., 280 U. S. 479.

This case involved the question as to whether the United States was entitled to preference and priority over the claims of all other creditors, secured or unsecured, for loans and advances made to carriers under sections 207, 209, and 210 of the transportation act, 1920.

In holding that the Government was not entitled to preference and priority, the Supreme Court said:

* * * At the time of the passage of Transportation Act, 1920, most of the railroads of the United States lacked funds for necessary improvements, equipment, and expansion of facilities. Some of the carriers needed funds, also, to meet maturing obligations. The credit of many carriers was seriously impaired. There was a general reluctance among investors to purchase new railroad securities even of the strongest railroads. Congress deemed it important to preserve for the nation substantially the whole existing transportation system. Compare *New England Divisions Case*, 261 U. S. 184, 190. In order to accomplish this, it was thought necessary that the United States should, to a certain extent, finance the carriers until it would become possible to restore their credit, by increase of rates or otherwise. The provisions of Title II of Transportation Act, 1920, were framed to that end. Through them, the financial aid which had been given during Federal control was to be extended for a further period.

To have given priority to debts due the United States pursuant to Title II, would have defeated the purpose of Congress. It not only would have prevented the reestablishment of railroad credit among bankers and investors, but it would even have seriously impaired the market value of outstanding railroad securities. It would have deprived the carriers of the credit com-

monly enjoyed from supplymen and others; would have seriously embarrassed the carriers in their daily operations; and would have made necessary a great enlargement of their working capital. The provisions for loans under Section 210 would have been frustrated. For, carriers could ill afford voluntarily to contract new debts thereunder which would displace, *pro tanto*, their existing bonded indebtedness. The entire spirit of the Act makes clear the purpose that the rule leading to such consequences should not be applied.

Moreover, Congress evidenced unmistakably its purpose to rely, for obtaining payment of the Government's advances, upon means other than the priority provided for by Section 3466. Under all of the sections, the giving of adequate security was either required or left to the discretion of the President. Under Section 210 no advance could be made, unless the Interstate Commerce Commission was satisfied that the earning power of the carrier and the security given furnished reasonable assurance that the loan would be repaid and all obligations in connection therewith would be performed. * * *

Clyde Steamship Company v. United States, 281 U. S. 744.

In this case the Supreme Court denied a writ of certiorari under circumstances which may be described as follows: The United States sued the Clyde Steamship Co. in the District Court of the United States for the Southern District of New York to recover forfeitures, under section 20 (6) of the interstate commerce act, because of the refusal of the steamship company to submit its records to the inspection of a duly authorized agent of the Interstate Commerce Commission. The trial court directed a verdict for the steamship company and this judgment was reversed by the Circuit Court of Appeals for the Second Circuit, which, in its opinion, said:

A statute imposing fines on an interstate carrier for declining to furnish information to the Interstate Commerce Commission is quite different from the legislative acts held invalid in the cases we have cited, for it cannot be reasonably contended that it is unfair and arbitrary to require an interstate carrier to furnish the Commission information which may aid the latter in the exercise of its jurisdiction.

It hardly seems possible that actions to collect penalties for failure to file returns prescribed by income tax or inheritance tax laws would have to wait until the validity of the legal requirement should be tested by mandamus, injunction, or in some other preliminary way. The penalties involved in this case are of the same order.

Nor can we say that a penalty of \$500 per day for refusal to furnish information is excessive and confiscatory. It seems doubtful whether a small penalty would furnish sufficient inducement to compliance with requests for information. The extent of the penalty required to insure prompt action seems to be a matter for legislative determination so long as such determination does not transcend the bounds of reason.

Board of Railroad Commissioners of North Dakota v. Great Northern Ry. Co. et al., 281 U. S. 412.

This case involved an appeal from an interlocutory injunction granted by the Federal court for the district of North Dakota restraining enforcement of an order of the North Dakota commission

prescribing a 10 per cent reduction in intrastate class rates. The injunction had been obtained by the railroads upon allegations that the prescribed rates were unduly discriminatory against interstate commerce in violation of section 13 of the act, and that there was pending before us a proceeding known as Docket No. 17,000, "Rate Structure Investigation," involving the rate structure of the entire western district, and that the carriers had petitioned us to institute a special proceeding to determine whether the prescribed rates would result in discrimination against interstate commerce. The injunction, as granted, restrained the State commission and other State officials from putting said intrastate rates into effect until this commission, either in its Docket No. 17,000 or in said special proceeding, determined the question of unjust discrimination with respect to interstate commerce, and until the further order of the court. The decision of the Supreme Court reversed the order of the district court granting the injunction and remanded the cause with directions to dismiss the bill of complaint.

Early in the decision it is emphasized that the injunction was obtained solely on allegations that the prescribed State rates were unduly discriminatory of interstate commerce, the court saying:

It should be observed at the outset that there is no contention on the part of the carriers that the intrastate rates fixed by the State Commission are confiscatory. There is no challenge of the authority of the State Commission under the constitution and laws of the State to prescribe these rates for intrastate traffic, or of the validity or regularity of the proceedings which resulted in the order of the State Commission, aside from the alleged effect upon interstate commerce.

The basis of the court's decision that the injunction was improperly issued is that the question of whether intrastate rates cause discrimination against interstate commerce is a matter committed to our administrative discretion, and can not, therefore, afford grounds for the injunctive process of a court until we have first passed upon the question and found that the rates do in fact cause discrimination against interstate commerce. Many cases are reviewed in the decision for the purpose of showing that it has long been an established principle that, in respect of administrative matters entrusted to us by Congress, preliminary action by us is necessary before resort may be had to the courts. The decision in the *Minnesota Rate Cases*, 230 U. S. 352, is particularly referred to to show that such principle had been recognized as applicable where intrastate rates are complained of as causing undue discrimination against interstate commerce. In this connection the instant decision reads:

The grounds for invoking this principle of preliminary resort to the Interstate Commerce Commission are even stronger when the effort is made to invalidate intrastate rates upon the ground of unjust discrimination against

interstate commerce. Not only are the questions as to the effect of intrastate rates upon interstate rates quite as intricate as those relating to discrimination in interstate rates, not only is there at least an equal need for the comprehensive, expert, and continuous study of the Interstate Commerce Commission, and for the uniformity obtainable only through its action, but in addition there is involved a prospective interference with State action within its normal field, in relation to the domestic concern of transportation exclusively intrastate * * *

What was lacking in the *Minnesota Rate Cases*, *supra*, had been supplied in the *Shreveport Case* (234 U. S. 342). There the Interstate Commerce Commission had found that there was an unjust discrimination arising out of the relation of intrastate rates, maintained under State authority, to interstate rates which had been upheld as reasonable. * * *

The decision subsequently gives consideration to the effect of the amendment made by transportation act, 1920, giving us direct authority, after finding that intrastate rates cause discrimination against interstate commerce, to prescribe the rate to be thereafter observed, and, following a review of the legislative history of that amendment, the decision reads:

We find no basis for the conclusion that it was the purpose of Congress to interdict a State rate, otherwise lawfully established for transportation exclusively intrastate, before appropriate action by the Interstate Commerce Commission. On the contrary, Congress sought to provide a more satisfactory administrative procedure which would elicit the cooperation of the State regulatory bodies, and insure a full examination of all the questions of fact which such bodies might raise, before any finding was made in such a case as to unjust discrimination against interstate commerce or any order was entered superseding the rate authorized by the State.

And, finally in answer, apparently, to the contention that the issuance of the preliminary injunction was not an assumption by the court of jurisdiction to determine the administrative question of discrimination but instead was solely in aid of the commission proceeding, the decision reads:

It is said that the interlocutory injunction, granted below, was in aid of the proceedings pending before the Interstate Commerce Commission. But the injunction necessarily has the effect of preventing the State from enforcing the rates it has prescribed, which are lawful rates until the Interstate Commerce Commission finds that they cause an unjust discrimination against interstate commerce. A judicial restraint of the enforcement of intrastate rates, although limited to the pendency of proceedings before the Interstate Commerce Commission, is none the less essentially a restraint upon the power of the State to establish rates for its internal commerce, a power the exercise of which in prescribing rates otherwise valid is not subject to interference upon the sole ground of injury to interstate commerce, save as Congress has validly provided. Congress has so provided only in the event that, after full hearing in which the State authorities may participate, the Interstate Commerce Commission finds that unjust discrimination is created. Congress forbids the unjust discrimination through the fixing of intrastate rates but entrusts the appropriate enforcement of its prohibition primarily to its administrative agency.

It is urged that the restraining power of the Court is needed to prevent irreparable injury. But, in this class of cases, the questions whether there is injury, and what the measures shall be to prevent it, is committed for its solution preliminarily to the Interstate Commerce Commission.

BUREAU OF LOCOMOTIVE INSPECTION

The work of this bureau is shown in detail in the report of the chief inspector, published separately. Except as otherwise stated, the report here made is for the fiscal year ended June 30, 1930.

The following tables covering the fiscal years indicated are self-explanatory:

TABLE I.—*Reports and inspections—Steam locomotives*

	Year ended June 30—					
	1930	1929	1928	1927	1926	1925
Number of locomotives for which reports were filed.....	61,947	63,562	65,940	67,835	69,173	70,361
Number inspected.....	100,794	96,465	100,415	97,227	90,475	72,279
Number found defective.....	16,300	20,185	24,051	29,995	36,354	32,989
Percentage inspected found defective.....	16	21	24	31	40	46
Number ordered out of service.....	1,200	1,490	1,725	2,539	3,281	3,637
Total number of defects found.....	60,292	77,268	85,530	112,008	136,973	129,239

TABLE II.—*Accidents and casualties caused by failure of some part of the steam locomotive, including boiler, or tender*

	Year ended June 30—					
	1930	1929	1928	1927	1926	1925
Number of accidents.....	295	356	419	488	574	690
Per cent decrease from previous year.....	17.1	15	14.1	14.9	16.8	31.3
Number of persons killed.....	13	19	30	28	22	20
Per cent increase or decrease from previous year.....	31.6	36.6	¹ 7.1	¹ 27.3	¹ 10	69.7
Number of persons injured.....	320	390	463	517	660	764
Per cent decrease from previous year.....	17.9	15.8	10.4	21.6	13.6	33.9

¹ Increase.

TABLE III.—*Accidents and casualties caused by failure of some part or appurtenance of the steam locomotive boiler¹*

	Year ended June 30—							
	1930	1929	1928	1927	1926	1925	1915	1912
Number of accidents.....	105	119	150	185	247	274	424	856
Number of persons killed.....	12	14	26	20	18	13	13	91
Number of persons injured.....	113	133	174	205	287	315	467	1,005

¹ The original act applied only to the locomotive boiler.

TABLE IV.—*Derailments and casualties caused by defects in or failure of some part of the steam locomotive or tender*

	Year ended June 30—				
	1930	1929	1928	1927	1926
Number of derailments ¹	8	9	14	15	23
Number of persons killed.....			1	1	2
Number of persons injured.....	14	25	27	23	49

¹ Only derailments reported by carriers as being caused by defect in or failure of parts of the locomotive or tender were investigated or counted.

TABLE V.—*Number of casualties classified according to occupation—Steam locomotive accidents*

	Year ended June 30—									
	1930		1929		1928		1927		1926	
	Killed	In-jured	Killed	In-jured	Killed	In-jured	Killed	In-jured	Killed	In-jured
Members of train crews:										
Engineers.....	4	100	7	128	8	151	8	181	5	210
Firemen.....	4	123	7	128	11	161	9	179	6	230
Brakemen.....	4	32	1	45	4	54	4	51	3	77
Conductors.....		10		24		16		25	2	28
Switchmen.....		10		11		15		13		19
Roundhouse and shop employees:										
Boilermakers.....		1		5		5		11		5
Machinists.....		3		2		2		5		5
Foremen.....		1		1		1		1		3
Inspectors.....		3		1		1				
Watchmen.....		2		3		1		4		5
Boiler washers.....		2		1		1		2		2
Hostlers.....		3		5		10		7		9
Other roundhouse and shop employees.....	1	8	1	3		8		10	1	15
Other employees.....		6		10		12		9		10
Nonemployees.....		16		23		23		19		42
Total.....	13	320	19	390	30	463	28	517	22	660

TABLE VI.—*Reports and inspections—Locomotives other than steam*

	Year ended June 30—			
	1930	1929	1928	1927
Number of locomotive units for which reports were filed.....	1,135	1,071	1,034	951
Number inspected.....	1,306	1,099	1,119	604
Number found defective.....	120	131	169	174
Percentage inspected found defective.....	9	12	15	29
Number ordered out of service.....	6	4	9	9
Total number of defects found.....	239	329	411	423

TABLE VII.—*Accidents and casualties caused by failure of some part or appurtenance of locomotives other than steam*

	Year ended June 30—			
	1930	1929	1928	1927
Number of accidents.....	3	1	4	5
Number of persons killed.....			1	
Number of persons injured.....	3	1	3	5

TABLE VIII.—*Number of casualties classified according to occupation—Locomotives other than steam*

	Year ended June 30—							
	1930		1929		1928		1927	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Members of train crews:								
Engineers.....		2				2		1
Firemen.....		1		1				2
Roundhouse and shop employees:								
Inspectors.....								1
Other roundhouse and shop employees.....					1	1		1
Total.....		3		1	1	3		5

All accidents reported to the bureau were carefully investigated and appropriate action was taken. Copies of accident investigation reports were furnished to parties interested when requested.

The percentage of locomotives inspected by our inspectors found to be defective, the number of accidents, the number of persons killed, and the number of persons injured shown in the last annual report was the lowest heretofore recorded. However, a still further improvement was made in the condition of locomotives in the year just closed, and the benefits derived therefrom are clearly reflected in the reduced number of accidents and casualties.

During the year 16 per cent of the steam locomotives inspected were found with defects or errors in inspection that should have been corrected before being put into use as compared with 21 per cent for the previous year. A summary of all accidents and casualties to persons occurring in connection therewith compared with the previous year shows a decrease of 17.1 per cent in the number of accidents, a decrease of 31.6 per cent in the number of persons killed and a decrease of 17.9 per cent in the number injured during the year.

Two hundred and eighty-two applications were filed for extensions of time for removal of flues, as provided in rule 10. Our investigations disclosed that in 12 of these cases the condition of the

locomotives was such that extensions could not properly be granted. Nineteen were in such condition that the full extensions requested could not be authorized, but extensions for shorter periods of time were allowed. Forty-four extensions were granted after defects disclosed by our investigations had been repaired. Twenty-seven applications were canceled for various reasons. One hundred and eighty applications were granted for the full periods requested.

Under rule 54 of the Rules and Instructions for Inspection and Testing of Steam Locomotives, 1,242 specification cards and 7,500 alteration reports were filed, checked, and analyzed. These reports are necessary in order to determine whether or not the boilers represented were so constructed or repaired as to render safe and proper service and whether the stresses were within the allowed limits. Corrective measures were taken with respect to numerous discrepancies found.

Under rules 328 and 329 of the Rules and Instructions for Inspection and Testing of Locomotives Other Than Steam, 70 specifications and 123 alteration reports were filed for locomotive units and 23 specifications and 6 alteration reports were filed for boilers mounted on locomotives other than steam. These were checked and analyzed and corrective measures taken with respect to discrepancies found.

Eleven suits for penalties, involving 241 counts for alleged violations of the Locomotive Inspection Law and Rules, were pending in the various district courts at the beginning of the year. Information of violations was lodged with the proper United States attorneys in three cases, involving 39 counts. Judgments in favor of the Government were obtained in 11 cases, involving 236 counts; 107 counts were dismissed by stipulation or agreement and penalties imposed on 129 counts in the sum of \$12,900. Three cases, involving 44 counts, were pending in the district courts at the end of the year.

No formal appeal by any carrier was taken from the decisions of any inspector during the year.

BUREAU OF SAFETY

A more detailed report of the work of the Bureau of Safety is published as a separate document.

Except as otherwise specified, the report here made is for the year ended June 30, 1930.

ACCIDENT STATISTICS

The casualties on steam railroads in connection with the operation of trains during the calendar year 1929 are summarized as follows:

Class of persons	Number of persons killed	Number of persons injured
Trespassers.....	2,266	2,334
Employees.....	1,137	22,181
Passengers.....	97	3,843
Persons carried under contract, such as mail clerks, Pullman conductors, etc.....	17	759
Other nontrespassers.....	2,615	7,582
Total.....	6,132	36,699

The corresponding totals for the calendar year 1928, revised to include supplemental reports, were 6,145 persons killed and 37,646 persons injured.

In addition there were 364 persons killed and 40,296 injured in nontrain accidents in comparison with 366 killed and 48,550 injured in such accidents during the preceding calendar year.

There were 59 employees killed and 965 injured in coupling or uncoupling locomotives and cars as compared with 37 killed and 1,135 injured during 1928. Casualties to employees due to coming in contact with fixed structures resulted in 28 killed and 422 injured. There were 76 employees killed and 4,587 injured in getting on or off cars and locomotives.

SAFETY APPLIANCES

During the year ended June 30, 1930, 124 cases of violation of the safety-appliance laws, comprising 327 counts, were transmitted to the United States attorneys for prosecution; cases comprising 371 counts were confessed, 27 dismissed, and 1 tried, the latter having been taken under advisement by the court. Of the 4 cases which were tried last year and were awaiting decision by the district courts, 2 were decided in favor of the Government and 2 adversely to the Government on demurrer. The two cases decided adversely to the Government on demurrer were later tried on their merits, decided adversely to the Government, and these decisions were affirmed by the circuit court of appeals. The two cases decided in favor of the Government were appealed by the carrier and after briefs were filed the appeals were dismissed on motions of the carriers. The one case reported last year as having been decided in favor of the Government and appealed by the carrier was affirmed by the circuit court of appeals. On June 30, 1930, there were pending in the various district courts 111 cases containing 294 counts.

United States v. Chicago, St. Paul, Minneapolis & Omaha Ry. Co., 41 F. (2) 927. In this case the court had before it for interpretation the train brake provision of the safety appliance act, and the commission's order of June 6, 1910, made pursuant thereto. The facts were that the defendant operated a passenger train con-

sisting of an engine, tender, and 13 passenger cars, an additional engine and tender being used on the rear end of the train as a pusher for a distance of 4 miles out of Hudson, Wis. The power or train brakes were in use and in operation on the entire train except the pusher engine and tender. The Circuit Court of Appeals, Seventh Circuit, held that the pusher engine and tender were not "associated" together with the other cars in the air line within the meaning and intent of the law, and the operation of their brakes by the engineer on the leading engine was not required. The court also held that the pusher engine and tender were not "cars" within the meaning of the train brake provision of the act.

United States v. Chicago, St. Paul, Minneapolis & Omaha Railway Co. (decided August 18, 1930, not yet reported). This case involved the same question and a similar state of facts arising at St. Paul, Minn. The Circuit Court of Appeals, Eighth Circuit, held that a pusher engine and tender were not "cars" within the meaning of the train brake provisions of the act, and therefore were not required to have their train brakes operated by the engineer of the leading engine.

Approximately 1,400,000 cars and locomotives were inspected; the number of safety appliance defects per 1,000 cars and locomotives inspected was 23.32. The corresponding figures for the preceding year were approximately 1,487,000 inspected and 28.71 defects per 1,000 inspected. The condition of safety-appliance equipment has been steadily improving for several years, and the records of inspection for the past year reflect the best conditions that have been found since this inspection work began.

Service tests of new types of air-brake equipment for freight cars which are being conducted by the American Railway Association on a line of the Southern Pacific Co. in Oregon and California have been in progress throughout the year. Tests of two of the types of devices selected have been completed and tests of the third type selected are well under way. These tests are being observed by representatives of this bureau.

In connection with formal proceedings before us in respect to automatic train pipe connectors, the American Railway Association is now conducting laboratory tests of a number of devices of this character at Purdue University. These laboratory tests are intended to furnish information upon which specification for devices of this type can be based and from which it can be determined which of the available devices merit road tests under service conditions. These tests are being made in cooperation with representatives of this bureau.

Reference was made in last year's report to a petition filed by the train service employees requesting us to hold a public hearing to determine whether the order of March 13, 1911, prescribing safety appliance standards should be modified to permit the use of metal running boards on box and other house cars. As a result of the hearing we entered an order on January 29, 1930, modifying the order of March 13, 1911, to permit the use of running boards of material other than wood on a sufficient number of box or other house cars for experimental purposes, and to use the cars so equipped until not later than January 1, 1932.

HOURS OF SERVICE

Hours of service reports were filed by 1,018 railroads, of which 727 reported no instances of service of their employees in excess of the limits prescribed by the law. The remaining 291 railroads reported a total of 16,912 instances of excess service, as compared with 22,941 instances of excess service reported by 317 railroads for the preceding year, a decrease of 26 railroads reporting excess service and a decrease of 6,029 in the total number of instances of excess service reported.

There were 26 cases of violation of the hours of service law, comprising 89 counts, transmitted to United States attorneys for prosecution; cases comprising 58 counts were confessed and 6 dismissed. On June 30, 1930, there were pending in the various district courts 20 cases containing 71 counts.

SIGNALS AND TRAIN CONTROL

Under our orders 8,387.5 miles of road and 15,193.7 miles of track have been equipped with automatic train-stop or train-control devices. In addition, 3,135.5 miles of road and 5,188.3 miles of track have been equipped voluntarily beyond the requirements of our orders, the installations now in service comprising 11,523 miles of road and 20,382 miles of track. A total of 9,201 locomotives are equipped with automatic train-control devices. As compared with last year, these figures represent an increase of 69.6 miles of road, 382 miles of track, and 297 locomotives.

During the year reports were issued covering inspection and test of automatic train-stop installations on the New York, New Haven & Hartford Railroad and the Long Island Railroad. With the issuance of these reports, all of the 80 installations required by our orders have been tentatively approved; in many of these reports exceptions and recommendations are noted which require further consideration. For the purpose of ascertaining what measures have

been taken by the carriers to comply with exceptions, requirements, and recommendations set forth in these reports and the character and degree of maintenance given this equipment, reinspections have been made of 61 installations and final reports of approval have been issued covering 30 of them. Final reports have not been issued covering reinspection of 20 installations, and complete approval has not been given to 11 of the reinspected installations pending further action by the carrier with respect to correction of certain conditions to which attention had been directed in our reports of tentative approval.

Reports are submitted monthly by the carriers furnishing information with respect to performance of the several automatic train-control installations in service. These reports also give an indication of the character and degree of maintenance of train-control equipment by the several roads.

In our report of November 26, 1928, attention of the carriers was directed to the need for standardization and interchangeability of automatic train-control devices. The committee on automatic train control of the American Railway Association, in conjunction with the Boston & Maine Railroad, has equipped a locomotive with composite equipment designed to operate over tracks equipped with either continuous or intermittent inductive systems. Observations of the operation of this composite equipment in regular service are being made, and studies of combinations of devices of other types are under way.

Information was submitted by the American Railway Association concerning expenditures made by Class I steam railways during the calendar year 1929 for the improvement of safety and protection on the railways showing that a total of \$193,808,132 was expended chargeable to capital account; additional items chargeable to operating expenses were reported amounting to \$94,790,334 and other expenditures of \$9,330,616, the total expenditures reported for these purposes being \$297,929,082.

A report has also been submitted covering work of this character which was completed or in progress during the first six months of the calendar year 1930.

Summaries of the items contained in these reports are set forth in the report of our Bureau of Safety, which is printed separately.

BLOCK-SIGNAL STATISTICS

Returns submitted by the carriers covering block-signal statistics show that on January 1, 1930, there were 115,713.7 and 149,891.3 miles of road and track, respectively, operated under the block system. Of these totals 60,162 miles of road and 90,249 miles of track

were operated under automatic block signals and 55,551.7 miles of road and 59,642.3 miles of track were operated under nonautomatic signals. Comparing these figures with the corresponding figures shown in the block signal report of January 1, 1929, there was an increase of 3,673.4 miles of road and 4,358.2 miles of track operated under the automatic block system and a decrease of 2,298.1 miles of road and 2,793.7 miles of track operated under nonautomatic block systems. There was a net increase during the year in the mileage operated under the block system of 1,375.3 miles of road and 1,564.5 miles of track.

As indicated in previous reports, light signals are being generally installed in preference to other types of automatic block signals. On January 1, 1930, light signals were in use as follows:

Type	Miles of road	Miles of track
Color.....	15, 215. 2	20, 884. 3
Position.....	2, 515. 2	4, 957. 0
Color-position.....	440. 9	784. 5
Total.....	18, 171. 3	26, 625. 8

These totals represent 30.2 and 29.5 per cent, respectively, of the total mileage of road and track in this country equipped with automatic block signals; there was an increase of 3,454.9 miles of road and 4,719.7 miles of track equipped with light signals during the year.

Cab signals in conjunction with wayside signals without train control are in use on the Pennsylvania Railroad between New York and Washington, comprising 212.6 miles of road and 807.7 miles of track with 606 locomotives and 26 multiple-unit cars equipped with cab signals without train control. In addition, 112.3 miles of road and 464 miles of track between Pittsburgh and Altoona, Pa., are being equipped.

The use of centralized traffic control installations, referred to last year, is increasing. The block-signal report of January 1, 1930, shows a total of 26 installations of this character in service, and the report of the American Railway Association shows that there were 23 such installations completed or in progress during the first six months of 1930.

INVESTIGATION OF ACCIDENTS

We investigated 113 train accidents, of which 69 were collisions, 43 were derailments, and 1 was of a miscellaneous character. The collisions resulted in the death of 94 persons and the injury of 647 persons; the derailments resulted in the death of 105 persons and

the injury of 1,032 persons; and the miscellaneous accident resulted in the death of 1 person and the injury to 1 person, a total of 200 persons killed and 1,680 injured. A detailed report concerning each accident investigated is made public when completed, and summaries of these reports are published quarterly.

Among the accidents investigated were 6 involving motor vehicles at grade crossings, the trains involved being derailed in 3 of these instances. There were also 5 derailments due to broken rails, while in the case of the one miscellaneous accident previously referred to a freight train broke in two, causing a helper engine to telescope the caboose. These 12 accidents, which resulted in the death of 72 persons and the injury of 274 persons, have not been classified in the table given below.

The remainder of the accidents investigated are divided into four groups in the following table:

(1) Derailments, (2) collisions in automatic-signal territory, (3) collisions in nonautomatic-signal territory, and (4) collisions in time-table and train-order territory and yards.

The following table shows the number of accidents in each group:

Accidents investigated

Group	Number of accidents	Number of persons killed	Number of persons injured	Probably preventable by train stop or train control			Possibly preventable by block signals; preventable by train stop or train control			Not preventable by block signals, train stop, or train control		
				Number of accidents	Number of persons killed	Number of persons injured	Number of accidents	Number of persons killed	Number of persons injured	Number of accidents	Number of persons killed	Number of persons injured
1.....	35	69	768	-----	-----	-----	5	21	98	30	48	670
2.....	21	14	156	6	5	58	-----	-----	-----	15	9	98
3.....	8	10	55	1	2	1	4	2	20	3	6	34
4.....	37	35	427	1	1	5	29	27	404	7	7	18
Total for year ended June 30, 1930.....	101	128	1,406	8	8	64	38	50	522	55	69	820
Totals for years ended June 30—												
1929.....	90	132	1,171	12	15	116	37	54	572	41	63	453
1928.....	72	126	896	11	18	74	21	42	472	40	66	350
1927.....	70	174	1,151	10	13	321	19	45	318	41	116	512
1926.....	104	192	1,611	15	40	246	29	45	594	60	107	771

The number of preventable accidents as above indicated, the number of persons killed, and the number injured in such preventable accidents represent 40.7, 29, and 34.9 per cent, respectively, of the total number of accidents investigated, persons killed, and persons injured.

During the calendar year 1929 there were 5,975 accidents at highway grade crossings, which resulted in the death of 2,485 persons and the injury of 6,804. Automobiles were involved in 5,191 of these accidents, 2,085 persons being killed and 6,347 injured. It does not appear that during the past three years there has been any decided trend, either upward or downward, in the number of grade-crossing accidents. There is, however, a marked increase from year to year in the number of automobiles registered. For purposes of comparison, corresponding records for the past three years are summarized as follows:

	1927			1928			1929		
	Number	Number of persons killed	Number of persons injured	Number	Number of persons killed	Number of persons injured	Number	Number of persons killed	Number of persons injured
Accidents at highway grade crossings.....	5,640	2,371	6,613	5,800	2,568	6,666	5,975	2,485	6,804
Accidents at highway grade crossings involving automobiles.....	4,857	1,974	6,068	5,046	2,165	6,218	5,191	2,085	6,347
Derailments of trains as a result of collisions between trains and automobiles.....	34	6	64	50	22	47	48	22	51
Miscellaneous train accidents as a result of collisions between trains and automobiles.....	68	30	45	72	50	38	115	62	67
Automobiles registered.....	23,127,315			24,493,124			26,501,443		

During the year there were 48 derailments of trains as a result of collisions between trains and automobiles, these derailments causing the death of 22 persons and the injury of 51.

The following is a statement showing the total number of passengers, employees, and persons carried under contract, killed and injured in accidents at highway grade crossings:

Class of persons	1927		1928		1929	
	Killed	Injured	Killed	Injured	Killed	Injured
Passengers.....		34		11		27
Employees.....	30	108	37	108	23	106
Persons carried under contract.....	1	1		1	1	1
Total.....	31	143	37	120	24	134

EXAMINATION OF PLANS

During the year plans of 31 devices designed to promote the safety of railway operation were examined by our engineers and reports thereon transmitted to the proprietors.

MEDALS OF HONOR

The act of February 23, 1905, United States Code, title 45, secs. 44-45, authorizes the President to bestow bronze medals of honor upon persons who by extreme daring endanger their own lives in saving, or endeavoring to save, lives from any wreck, disaster, or grave accident, or in preventing or endeavoring to prevent such wreck, disaster, or grave accident, upon any railroad within the United States engaged in interstate commerce. During the fiscal year ended June 30, 1930, six applications for award of medals of honor as provided in this act were filed. In three cases awards were made as follows:

C. M. Collins, locomotive engineer, employed by the Illinois Central Railroad, who saved the life of a woman on April 14, 1929, at Clinton, Ill.

J. P. Clendenin, agent, employed by the Illinois Central Railroad, who saved the lives of a woman and small boy on June 7, 1929, at Wiggins, Miss.

Thomas W. Malone, yard clerk, employed by the New York Central Railroad, who saved the life of a woman on December 16, 1929, at Belle, W. Va.

Since the passage of this act 56 applications have been filed; 35 have been approved, 18 denied, and 3 are now under consideration.

BUREAU OF SERVICE

The satisfactory results achieved by the assignment of our service agents to specific zones, with headquarters at the principal rail terminals in their respective territories, continue. The methods employed are cooperative, and, as a result, many matters are being locally adjusted to the satisfaction of shippers and carriers alike which otherwise would be the subjects of formal complaints.

In our previous report we referred to the fact that beginning in May of 1929 all complaints concerning demurrage received by us have been scrutinized by this bureau with a view to effecting informal adjustment, and that of the cases handled informally to the end of that report year, none had been made the subject of appeal through formal complaint. During the current year this policy has been continued to the benefit of all concerned. Of the 98 cases submitted during the 12-month period covered by this report, all but 7 have been handled to a conclusion.

Both the personnel and the facilities of the bureau continue to be utilized, as needed, in various matters in addition to those of car service. Various investigations pertaining to different features of railway service are thus handled, the plan of field organization

readily lending itself to this work by its availability for emergency use in different parts of the country. Hearings in formal cases of certain types have been conducted by the bureau, and its personnel have assisted in the consideration and review of others.

There have been assigned to this bureau certain duties in connection with the investigation in Docket No. 22455, in the Matter of Reciprocity in Purchasing and Routing, hearings in which are now in progress. Certain service agents and accountants have been assigned to this investigation, working under the supervision of an assistant director.

During the past spring two service agents participated in a joint conference at New Orleans, La., called by the Southeastern Mississippi Valley lines, and to which shippers and others from "perishable" originating territory had been invited. This conference was for the purpose of working out some plan for revising the present estimated weights on vegetables. Opposition to the carriers' proposed plan having developed, service agents were called upon to explain how similar investigations and tests had been conducted in the Rio Grande Valley of Texas, Florida, the Carolinas, and elsewhere. When it was understood that the friendly services of the bureau would be available if it were decided to make such investigation and test, not only was opposition withdrawn, but the shippers declared themselves ready to cooperate. As a result of this conference, test-weighing of perishable shipments from this territory is being undertaken. The corporation commission of Virginia has asked for similar assistance in making test weights of perishables originating in that State.

During the year considerable study has been given to the handling of refrigerator cars between eastern and western lines at Chicago, with the belief that if certain conditions could be overcome it would result not only in avoiding delay in the movement of these cars westward, but that operating expense now being incurred could be materially reduced. With this in view a conference was held in Chicago with the officials of the interested carriers and as a result the situation is being improved.

While a substantial number of complaints from shippers and consignees of freight have been registered during the past year in respect of specific matters, the carriers have in general provided an ample supply of cars of all descriptions and handled the traffic with regularity and expedition. There has been no shortage of motive power and no nation-wide embargoes have been necessary.

As was the case the year previous, the handling of the heavy movement of grain during the months of July, August, and September constituted the outstanding transportation accomplishment

of this year. There were several factors more favorable to this accomplishment this season, such as the movement of considerably more grain through the ports of New Orleans, La., and Texas City, Tex., than heretofore; the spread of the movement over a longer period, an increase in the facilities at Galveston, and slower harvesting on account of economic conditions.

For the last two years we have been investigating livestock schedules of the different carriers within the State of Wisconsin and have been instrumental through informal handling with the shippers and carriers in bringing about improvement in the time in transit. This has been of importance to shippers in such items as permitting their stock to leave the farms during morning hours for next morning market, instead of lying overnight in the pens at the shipping station; shortening the time en route, and in some cases eliminating the necessity for feeding in transit. Briefly, progress as indicated in our previous report has similarly marked the efforts of the current year. The Railroad Commission of Wisconsin has cooperated with us in this work. Other complaints concerning livestock schedules have been received from various parts of the country and similarly handled.

The activities of the bureau during the past year in connection with car service have covered a wide range of subjects. They include numerous investigations in producing territory in various States to determine the approximate quantity of important commodities that might be anticipated for shipment, the number of cars required, and the supply of suitable cars available on individual railroads; handling of export grain in cars at ports; handling of special theatrical baggage cars; complaint in regard to the lighting of passenger cars; establishment of schedules in connection with our order in Docket 18187, Transportation of Strawberries by Express, 156 I. C. C. 4, and investigation in connection with the movement of nonferrous metals; the failure promptly to handle cream cans, and delays to shipments on a carrier in the Middle West; the movement of dry picked and packed dressed poultry in steam-heated cars, resulting in loss; improvement of icing facilities on two western carriers where perishable shipments originate; unnecessary setting back of cars in interchange, and the handling of freight cars under car service rules; complaints concerning refusal to permit more than one diversion on strawberries in express carload service; ice capacity of bunkers of meat cars; refusal of the express agency to accept shipments after a certain hour of the day; delays to cars at large interchange points for various reasons; the change of location of express offices; the

inauguration of express runs to expedite the handling of less than carload shipments and to move fast freight; complaint concerning the furnishing of refrigerator cars to a carrier; the practice of consignees peddling from cars; furnishing longer cars when short cars were ordered by shippers; reduction of perishable schedules to permit of earlier deliveries in New York; and many other subjects. Practically all of the matters thus listed which involved practices regarded as improper were adjusted or corrected by the carriers after the facts had been developed and brought to the attention of the officials.

SERVICE ORDERS

Since our last report we have exercised our emergency powers in but one instance. Due to the closing of the Mexican consulate at Laredo, Tex., we issued Service Order No. 50 directing the Missouri Pacific Railroad Co., International-Great Northern Railroad, the Texas Mexican Railway Co., and the Texas & New Orleans Railway Co. to forward traffic in their possession at any point on their respective lines destined to Mexico via Laredo, Tex., to such destinations via Brownsville, Tex., or Eagle Pass, Tex., to expedite its movement and prevent congestion.

EFFICIENCY AND ECONOMY OF OPERATION

The matter of efficient and economical handling of cars at points of interchange, both loaded and empty, has been kept before us and improvements effected wherever possible.

Contracts covering repairs to or rebuilding of rolling stock and floating equipment of the carriers have been received, examined, and filed as heretofore. No special investigation in connection therewith has been found necessary during the year.

The following table indicates the extent of the progress made in the matter of fuel economy for the years indicated.

Fuel consumption, freight locomotives, eight months ended August 31

[Gross ton-miles per ton of coal, including the equivalent coal tonnage for fuel oil consumed]

1921.....	12,374	1926.....	14,693
1922.....	12,681	1927.....	15,325
1923.....	12,270	1928.....	15,751
1924.....	13,277	1929.....	16,069
1925.....	14,390	1930.....	16,523

The general condition of equipment is indicated by the following statement.

Percentage of locomotives and freight cars unserviceable, Class I railroads

Period	Per cent of freight cars unserviceable	Per cent of locomotives unserviceable		Period	Per cent of freight cars unserviceable	Per cent of locomotives unserviceable	
		Road freight	Road passenger			Road freight	Road passenger
1920.....	7.0	24.5	24.8	1926.....	6.5	16.4	17.0
1921.....	13.1	24.0	23.1	1927.....	5.9	16.1	16.4
1922.....	12.8	25.5	23.5	1928.....	6.2	16.3	16.4
1923.....	8.0	21.6	20.8	1929.....	6.0	16.4	16.1
1924.....	7.8	18.8	18.5	1930 (8 months).....	5.9	17.3	16.6
1925.....	7.7	17.8	17.9				

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Regulations for the transportation of explosives and other dangerous articles by rail had general revision. Paragraphs were rearranged, shipping container specifications were renumbered, and other changes were made as found necessary to meet new and altered conditions arising since our last general revision effective January 1, 1923, and amendments thereto subsequently approved. Violations of the regulations continued as to the placement of tank cars of gasoline in freight trains nearer to engine or caboose than is permitted. Request that this essential restriction be removed was denied. Procedure was perfected whereby proposed new and changed regulations may have more uniform and thorough investigation before consideration and approval by us is requested. Periodic conferences between shippers and carriers were arranged for this purpose. Approval was withheld after hearing on proposed specification for the construction by electric arc welding process, of spherical metal containers to be mounted on car underframes for carrying compressed helium gas at a pressure of 2,000 pounds per square inch. Tank car safety valves capable of closing vapor tight after blowing off, vapor-tight dome covers and satisfactory bottom-discharge outlets for tank cars are having careful study and their relative efficiency is being demonstrated by means of service tests.

Work is proceeding on the first issue of proposed regulations for the transportation of hazardous articles by truck and bus. Also complete code of the first proposed requirements for water-borne traffic will have distribution shortly together with notice of hearing for the receipt of final objections or suggestions pertinent to the proposed restrictions. Two previous informal suggestions of proposed regulations were distributed. Timely consideration and approval by us of the final copy is being urged.

Accidents in all shipments of explosives and other dangerous articles in 1929 compared to 1928 were as follows:

Year	Number of accidents	Killed	Injured	Property loss
1928 (previously reported).....	1, 205	15	106	\$816, 965
1928 (corrected).....	1, 398	15	109	871, 001
1929 (latest figures).....	1, 151	5	29	703, 090

Explosives, in 1929, caused 19 accidents, with no person killed, one injured, and property loss of \$91, as against \$77 property loss for 1928. Gasoline caused 380 accidents, 5 deaths, 8 injuries, and property loss of \$606,166. (The record for 1928 was 360 accidents, 10 killed, 4 injured, and property damage \$709,821.) This is 86 per cent of the property loss from all articles moving under our regulations and 90 per cent of the loss from all inflammable liquids. Inflammable liquids, including gasoline, furnished 95 per cent of all such property loss for the year, the remainder being divided about evenly between the corrosive-liquid and inflammable solid-oxidizing materials groups. Sixteen persons out of the 29 reported injured in 1929 were engaged in the handling of corrosive liquids in carboys and other packages. Residues of acids from previous fillings of so-called empty carboys, which are required to be washed out and drained before reshipment, caused nine of the injuries.

REVENUE FREIGHT LOADED

The aggregate number of cars loaded is estimated at 47,275,000 cars, which compares with 53,423,000, 51,306,000, and 52,549,000 cars loaded in the 12 months ended October 31, 1929, 1928, and 1927, respectively. The carriers reported on line, available for service, a daily average of 416,000 railroad-owned serviceable freight cars which were idle because the supply exceeded the demand.

COAL

Bituminous coal production is estimated at 482,000,000 net tons, compared with 532,000,000, 491,000,000, and 553,000,000 for corresponding periods ended October 31, 1929, 1928, and 1927. For the same periods anthracite production totaled approximately 72,000,000 tons for 1930, 74,000,000 tons for 1929, 75,000,000 tons for 1928, and 82,000,000 for 1927.

The bituminous lake-cargo coal moved, during the open season to October 31, plus the stocks at the head of the Lakes on April 1, totaled 35,976,906 net tons. Stocks on hand at the head of the Lakes,

as of April 1, with the tonnage dumped to October 31, for 1930 and previous years, are shown below :

Year	Bituminous stocks at the head of the Lakes Apr. 1	Net tons dumped into boats to Oct. 31	Stocks Apr. 1 plus tons dumped to Oct. 31
1924 -----	3,180,331	19,609,283	22,789,614
1925 -----	2,368,131	22,562,464	24,930,595
1926 -----	2,318,857	24,395,289	26,714,146
1927 -----	1,507,198	29,478,171	30,985,369
1928 -----	3,060,586	23,958,250	32,018,836
1929 -----	2,878,720	33,404,865	36,283,585
1930 -----	2,741,812	33,235,094	35,976,906

The anthracite coal dumped into boats at Lake Erie ports aggregated about 1,225,000 net tons in 1930, 1,186,000 in 1929, 1,254,000 in 1928, and 1,722,000 in 1927.

NEW ENGLAND COAL

Receipts of bituminous coal in New England are estimated as 20,475,000 net tons, compared with 21,180,000, 18,914,000, and 23,417,000 tons during the 12-month periods ended October 31, 1929, 1928, and 1927, respectively. For the same periods anthracite receipts approximated 8,565,000 net tons in 1930, 9,345,000 in 1929, 9,093,000 in 1928, and 9,422,000 in 1927.

EXPORT COAL

The domestic bituminous coal exported from January 1 to October 31 approximated 14,000,000 net tons in 1930, as contrasted with 15,000,000 tons in 1929, 13,128,000 tons in 1928, and 15,841,000 tons in 1927.

GRAIN AND GRAIN PRODUCTS

The loading of grain and grain products in the 12-month period ended October 31, 1930, amounted to about 2,296,000 carloads, which compares with 2,495,000 in 1929, 2,482,000 in 1928, and 2,372,000 in 1927.

LIVESTOCK

The livestock movement aggregated approximately 1,315,000 carloads as against 1,438,000 in 1929, 1,538,000 in 1928, and 1,558,000 in 1927.

FOREST PRODUCTS

The loading of forest products is estimated at 2,522,000, 3,331,000, 3,320,000, and 3,464,000 carloads in the 12-month periods ended October 31, 1930, 1929, 1928, and 1927, respectively.

MISCELLANEOUS FREIGHT

Miscellaneous carload traffic approximated 18,175,000 carloads, compared with 20,813,000, 19,709,000, and 19,559,000 cars in the 12 months ended October 31, 1929, 1928, and 1927, respectively. Less-than-carload shipments of merchandise and other items aggregated about 12,453,000, 13,288,000, 13,226,000, and 13,294,000 in the same periods.

PERISHABLE FREIGHT

The car-lot movement of fresh fruits and vegetables is estimated at 1,012,000 cars, as compared with approximately 1,077,000 and 1,057,000 for the corresponding periods ended October 31, 1929, and 1928.

REFRIGERATOR CARS IN SERVICE

Reports from railroads and private car lines indicate that 148,556 freight and 3,047 express, general-service refrigerator cars, were in use on railways in the United States as of January 1, 1930. The railroads have in service 41,818 freight and 2,255 express refrigerator cars, the remainder being operated under the direction of private car lines. In addition packing and other companies operate several thousand refrigerator cars, which are employed chiefly to carry the products of their owners and are not available for use by shippers generally.

BUREAU OF STATISTICS

The following statistical reports are regularly prepared in this bureau for publication:

Annual.—(1) Annual report on statistics of railways; (2) accident bulletin; (3) comparative statement of operating averages; (4) freight commodity statistics; (5) preliminary abstract of statistics of common carriers; (6) preliminary report of capitalization and income; (7) operating revenues and expenses by class of service; (8) wage statistics; and (9) selected items from the annual reports of carriers by water, telegraph and cable companies, pipe line companies, electric railways, and telephone companies.

Quarterly.—(1) Freight commodity statistics and (2) accident statistics.

Monthly.—(1) Operating revenues and expenses by districts and regions; (2) operating revenues and expenses for individual railways; (3) freight and passenger service operating statistics by districts and regions; (4) operating statistics for individual railways; (5) fuel for locomotives; (6) wage statistics; (7) revenue traffic statistics; (8) revenues and expenses of telephone companies; and (9) summary of accidents.

The total number of annual reports received for the calendar year 1929 was 2,120, classified as follows:

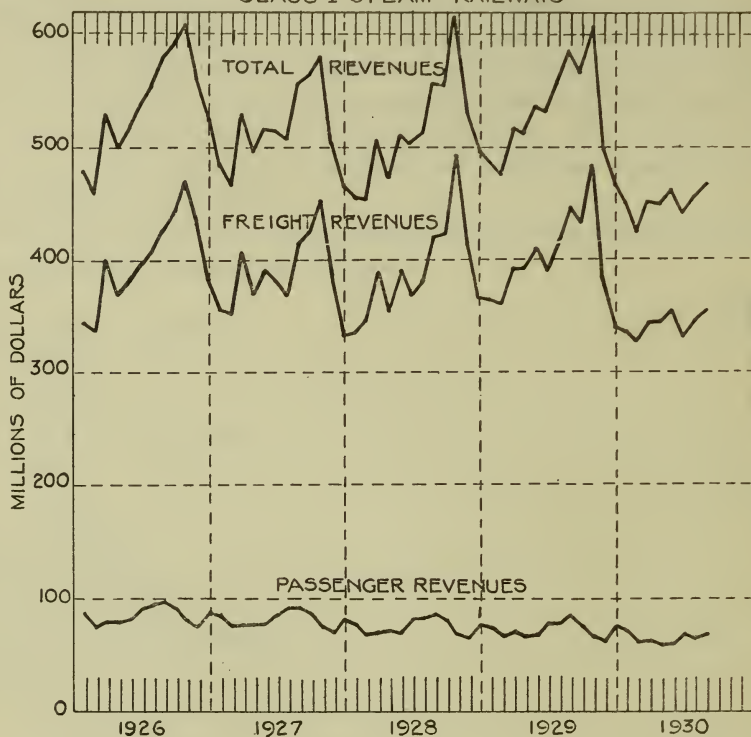
	Number of annual reports
Steam railway companies:	
Class I.....	169
Class II.....	246
Class III.....	342
Switching and terminal.....	221
Lessor.....	389
Total.....	1,367
Electric railways.....	211
Pullman company.....	1
Express companies.....	2
Telephone companies.....	348
Telegraph and cable companies.....	16
Water lines.....	138
Pipe lines.....	37
Grand total.....	2,120

In appendix C will be found statistical summaries of railway development since 1910 and abstracts of recent periodical reports.

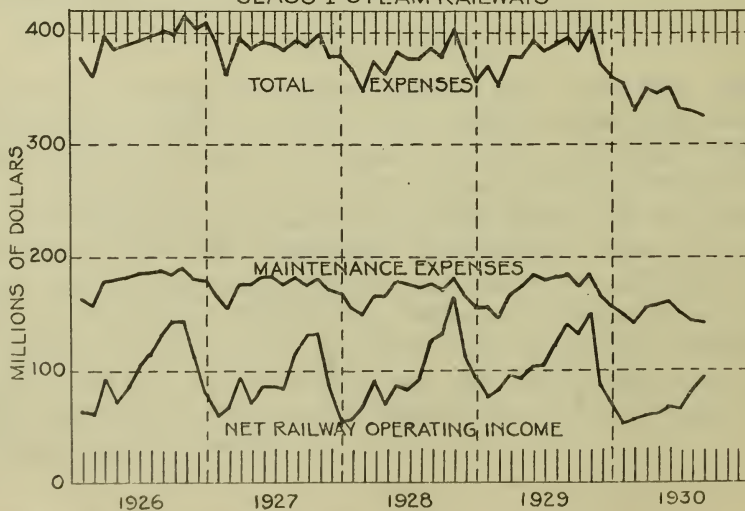
RAILWAY EARNINGS

Railway earnings, both gross and net, have materially declined since our last report. For the eight months ended with August, 1930, operating revenues of Class I railways, including switching and terminal companies, were 14.21 per cent less than for the same period of 1929 and 11.56 per cent less than the average for the same period in the five years 1925-1929. The freight revenue for the first eight months of 1930 was 13.88 per cent below that of the first eight months of 1929 and 9.84 per cent below the average for the same period in the five years 1925-1929. The passenger revenue for eight months of 1930 was 13.63 per cent below that of the 1929 period and 21.42 per cent below that of the 5-year average, 1925-1929, for the same period.

RAILWAY OPERATING REVENUES BY MONTHS:
CLASS I STEAM RAILWAYS



OPERATING EXPENSES AND NET RAILWAY OPERATING INCOME BY MONTHS:
CLASS I STEAM RAILWAYS



Taking the 12 months ending with August for comparison with prior annual figures, it may be noted that the operating revenues for the 12 months ended with August, 1930, were \$593,000,000 below those of the calendar year 1929 and \$522,000,000 below the average of the five calendar years, 1925-1929. Such a reduction in revenues led to a sharp curtailment of expenditure. The Class I railways spent \$302,809,502 less in the first eight months of 1930 than in the same period of 1929. For the 12 months ending with August, 1930, the operating expenses were \$340,000,000 less than the average for the five calendar years, 1925-1929.

The net railway operating income, available for interest, dividends, or surplus, was \$273,092,674, or 32.97 per cent, less for the first eight months of 1930 than for the same period in 1929, and for the 12 months ended with August, 1930, this item was \$183,000,000, or 15.44 per cent, less than the average for the five calendar years, 1925-1929.

The above changes in revenues, expenses, and net railway operating income are summarized in the following table and accompanying chart:

Operating revenues, expenses, and net railway operating income of Class I steam railways, including switching and terminal companies, 1925-1930

(Millions of dollars)

Account	Calendar years—					12 months ending with August, 1930
	1925	1926	1927	1928	1929	
Operating revenues:						
Total.....	6, 187	6, 465	6, 210	6, 190	6, 352	5, 759
Freight.....	4, 553	4, 821	4, 650	4, 699	4, 826	4, 387
Passenger.....	1, 056	1, 044	976	902	874	793
Operating expenses:						
Total.....	4, 582	4, 729	4, 629	4, 482	4, 554	4, 255
Maintenance of way and structures.....	824	878	879	848	863	787
Maintenance of equipment.....	1, 269	1, 295	1, 229	1, 176	1, 211	1, 114
Expenses, other than equipment.....	2, 489	2, 556	2, 521	2, 458	2, 480	2, 354
Net railway operating income.....	1, 139	1, 233	1, 085	1, 194	1, 275	1, 001

RAILROAD EMPLOYMENT

The curtailment of expenditures by the railways was accompanied by a decline in the number of employees. In July, 1930, the number of persons employed by Class I railways was 213,185 less than the number reported for July, 1929, a decline of 12.2 per cent. The corresponding percentages for earlier months of 1930 were: January, 2.11; February, 3.86; March, 5.02; April, 5.59; May, 6.59; and June, 9.90 less than the total for the same month in the preceding year.

Nearly two-thirds of the decrease was in the maintenance groups, as shown below:

Number of employees at middle of the month of July, 1930 and 1929, by groups

Group	Number at middle of July—		Decrease
	1930	1929	
Executives, officials, and staff assistants.....	16,569	17,039	470
Professional, clerical, and general.....	252,527	272,400	19,873
Maintenance of way and structures.....	383,985	467,184	83,199
Maintenance of equipment and stores.....	397,588	454,638	57,050
Transportation (other than train, engine, and yard).....	180,585	198,238	17,653
Transportation (yardmasters, switch tenders, and hostlers).....	20,148	21,782	1,634
Transportation (train and engine service).....	280,309	313,615	33,306
Total.....	1,531,711	1,744,896	213,185

OPERATING STATISTICS

The operating statistics of Class I railways show a reduction of freight train-miles, freight car-miles, and gross and net ton-miles. There was an increase in the number of freight cars on home line and a corresponding decrease of "foreign" cars on line. These and other changes are shown below for the first eight months of 1930 in comparison with the same period in 1929:

Item	Eight months ending with August—		Percent of increase (+) or decrease (—)
	1930	1929	
Freight train-miles.....	362,636,647	405,877,504	-10.65
Freight car-miles:			
Loaded.....	10,699,487,000	12,155,003,000	-11.97
Empty.....	6,602,499,000	7,081,556,000	-6.76
Gross freight ton-miles (excluding locomotives and tenders).....	675,486,775,000	753,454,410,000	-10.35
Net ton-miles, revenue and nonrevenue.....	285,260,206,000	325,468,641,000	-12.35
Train hours.....	26,377,759	30,863,262	-14.53
Number of "home" freight cars on line.....	1,705,137	1,547,977	+10.15
Number of "foreign" freight cars on line.....	758,303	916,616	-17.27
Number of passengers carried.....	482,065,782	520,349,862	-7.36
Number of passenger-miles.....	18,772,529,000	21,189,341,000	-11.41

The effect of the decline in volume of traffic is seen in various operating averages. The reports for the first eight months of 1930 show a decline in the net ton-miles per train-mile, in the net ton-miles per car-day, locomotive-miles per locomotive-day, and in the car-miles per car-day. There was, however, little change in the car-miles per train-mile and net ton-miles per loaded car-mile. The average speed of freight trains and the gross ton-miles per train hour were greater in 1930 than in 1929, and the fuel consumption per 1,000 gross ton-miles was less in 1930 than in 1929. The following table shows these and other averages for the first eight months of the years, 1925-1930:

Selected items of operating averages in freight service, Class I steam railways, first eight months, 1925-1930

8 months ended with August—	Net ton-miles per mile of road per day	Ton-miles per train-mile		Average miles per hour of trains	Net ton-miles per car-day	Net ton-miles per loaded car-mile	Car-miles per car-day ¹	Per cent loaded of total car-miles	Car-miles per train-mile	Gross ton-miles per train-hour (excluding locomotives)	Pounds of coal per 1,000 gross ton-miles (including locomotives) ²
		Gross tons (except locomotives)	Net tons								
1925-----	5,117	1,656	740	11.9	477	27.0	27.4	64.5	43.5	19,643	139
1926-----	5,462	1,715	759	12.0	511	27.1	29.6	63.7	44.9	20,616	136
1927-----	5,463	1,772	778	12.3	515	27.3	29.9	63.0	46.3	21,777	131
1928-----	5,243	1,812	778	12.9	504	26.5	30.3	62.9	47.7	23,345	127
1929-----	5,590	1,856	802	13.2	543	26.8	32.1	63.2	48.4	24,413	124
1930-----	4,890	1,863	787	13.7	477	26.7	28.9	61.8	48.7	25,608	121

¹ Includes unserviceable cars.

² Includes equivalent coal tonnage for fuel oil consumed.

The number of fatalities in railway accidents (including accidents in shops) was 6,496, or slightly less than the number reported for 1928, 6,511. The number for 1927 was 6,821; for 1926, 6,947; and for 1925, 6,617. Of the 326 deaths ascribed to train accidents in 1929, 85 were in collisions, 156 in derailments, 9 in locomotive boiler accidents, and 76 were of miscellaneous character. The number of deaths at grade crossings for 1929 was 2,485, compared with 2,568 for 1928. These figures include a small number of deaths reported as occurring in train accidents. The number of trespassers killed in 1929 was 2,307, not including those classified as suicides. The number of employees killed in 1929 was 1,424, compared with 1,328 in 1928. The number of passengers killed was 100 in 1929, compared with 85 in 1928. All the figures for fatalities given above exclude the number of persons dying after the expiration of 24 hours from time of injury. There were 515 such cases reported for 1929.

A summary of accidents reported to us by electric railways was published for the first time for 1929 as being of some value, even though only electric railways engaged in interstate commerce are covered. For 171 reporting companies operating 256,849,500,000,000 car-miles, the total number of persons killed was 389, of which 7 were passengers, 37 employees, 87 pedestrians, 225 occupants of automobiles, and 33 unclassified.

BUREAU OF TRAFFIC

The bureau handles administrative matters connected directly with rates and tariffs, assists in the settlement through informal negotiations between shippers and carriers of as many controversies as possible without litigation.

As stated in our last report, many carriers had adopted the practice of publishing rules in their commodity tariffs under which the rates were made to apply at unnamed intermediate points from which shipments of such commodities ordinarily do not move, in lieu of the former practice of publishing rules containing a promise to establish rates at intermediate points upon request and to make reparation of the amount collected in excess of the subsequently established rates. In order to encourage this practice we modified the posting requirements of the act to the extent of not requiring the posting of commodity tariffs at such unnamed intermediate points. Under this plan carriers were relieved of the expense of publishing commodity rates from such intermediate points, shippers were relieved of the burden of paying higher rates, and subsequently receiving a refund, and we were relieved of handling applications for authority to make refunds. The change seemed desirable from every point of view, but it was not adopted by all carriers. To secure uniformity and to give all shippers the same benefits we recently canceled our tariff rule under which carriers promised to establish rates upon request, thereby requiring all carriers either to establish the intermediate application rule or to publish rates specifically from and to the intermediate points.

SECTION OF TARIFFS

There were filed 110,583 tariff publications containing changes in freight, express, and pipe-line rates, passenger fares, and freight classification ratings. In addition thereto, 1,327 publications were received for filing but were rejected for failure to give the notice required by the statute. Powers of attorney and certificates of concurrence were also filed aggregating 37,813. Applications received seeking special permission to establish rates or fares on less than statutory notice or waiver of certain of our tariff-publishing rules numbered 6,534. Specific orders were entered granting 5,748 and denying 638 of these applications. The remainder were disposed of otherwise. Correspondence relating to tariff construction in accordance with our rules and regulations promulgated under section 6 of the act consisted of 36,630 letters received and 27,875 letters written. For our own use, as well as for the use of other branches of the Government and of shippers, 9,786 rate memoranda were prepared. Our duplicate tariff file has been maintained for the use of the public.

SUSPENSIONS

Rate adjustments were protested and suspension asked in 487 instances, a decrease of 52 under last year. These protested adjustments, of which 104 represented reductions, 286 represented increases,

65 represented both increases and reductions, and 32 neither increases nor reductions, covered not only a large number of rate schedules but many thousands of rates.

The following action was taken on the requests for suspension :

Suspended.....	157
Refused to suspend.....	187
Schedules rejected, requests for suspension withdrawn, or protested schedules withdrawn.....	143
Total.....	487
Proceedings pending from previous year.....	213
New proceedings on suspension docket.....	157
Total.....	370

Of this number 157 were disposed of, a decrease of 11 under last year, 104 after formal hearing and report and 53 through informal proceedings without report.

THE FOURTH SECTION

The number of applications received was 239. The number of orders entered in response to applications was 240, of which 191 were denial orders or orders granting permanent relief and 49 authorizing temporary relief.

Of the orders entered, 60 were in response to applications included among the 5,031 applications for authority to continue fourth-section departures existing at the time the amendment of June 18, 1910, became effective. One hundred and seventy-five were in response to applications filed subsequently and 5 were in response to both old and new applications.

Applications or portions thereof withdrawn after correspondence with carriers numbered 19; orders or portions thereof granting relief, 144; orders or portions thereof denying relief, 96; applications assigned in whole or in part for hearing in connection with other proceedings, 560; and 820 applications or portions thereof were heard in independent fourth-section proceedings.

The number of petitions for modifications of orders was 132, of which 100 were granted, 19 were denied, 1 was withdrawn, and 12 are still pending.

Further progress has been made in the disposition of applications filed under the 1910 amendment to the fourth section. Of the 711 which remained undisposed of in our file on October 31, 1929, hearings have been held on 382 or portions thereof. Of those heard, 24 have been disposed of in their entirety and 358 in part.

Thirty-eight of these applications have been disposed of as a result of correspondence with the carriers. The number still awaiting final action is 649.

In our last report it was stated that the proceedings known as *Commodity Rates on Lumber and Other Forest Products*, 151 I. C. C. 763, involving the construction of the so-called equidistant clause of section 4, had been reopened for argument. The carriers parties to this proceeding requested relief to apply rates on lumber from south Pacific coast territory to destinations in central territory without complying with the long-and-short-haul provision of section 4. The rates were constructed on what is known as a group basis and relief was desired by carriers operating through higher-rated groups to reach lower-rated groups. The carriers seeking relief operated routes which were generally circuitous in character but based their claim for relief upon the necessity of maintaining the group adjustment rather than upon the grounds of circuitry. In 151 I. C. C. 763 relief was granted subject to the equidistant clause, the holding of the majority being that under the provisions of section 4 the commission is not authorized to grant relief to circuitous lines for the purpose of maintaining a group adjustment of rates without making such relief subject to the equidistant clause. On account of differences in view among us concerning the construction to be placed upon what are commonly referred to as the equidistant and reasonably compensatory clauses contained in section four of the act and the extent to which those clauses limit the relief from the prohibitions in that section which we may accord to carriers upon their application, we call attention to our report of July 1, 1930, in the above case upon reconsideration and argument, 165 I. C. C. 561. Relief was granted for the purpose of continuing the group adjustments subject to the conditions set forth in our prior report and order except the equidistant clause, the holding of the majority being that the situation presented is a "special case" within the meaning of section 4; that the destination grouping in connection with the rates in issue is, so far as the record shows, compatible with the public interest and not in violation of sections 1 and 3; and that the preservation of this grouping constitutes a sufficient reason for maintaining at intermediate points on the circuitous routes in question rates higher than at final destination, but not higher than the group rates now in effect.

Our construction of the fourth section was set forth in our annual report for 1922 at page 20.

BUREAU OF VALUATION

The activities of the Bureau of Valuation have in a large measure been restricted during the year for which this report is made to valuation work in recapture cases. This is in conformity with instructions issued July 18, 1929, that the "bureau give precedence in its valuation work to recapture cases."

HEARINGS AND FINAL VALUATION REPORTS

All hearings on protests to tentative reports upon all railroad properties which have been valued were concluded prior to this year. The total number of hearings embraced 766 cases, covering 234,859 miles of road.

Final valuation reports have been adopted in 896 cases, covering 157,921 miles of road. Of these, 609 cases, covering 149,474 miles of road, were decided after hearings on protests of the tentative valuations, and the remaining cases, 267 in number, representing 8,447 miles, were concluded and reported in default of protest within the statutory period of 30 days. We have also adopted and issued final reports in seven telegraph and telephone cases.

Because of the direction of the activities of the bureau to recapture cases we have delayed to a certain extent the preparation of final primary valuation reports, and there yet remain 38 such reports to be prepared. It is thought that without obstructing the more pressing work of preparation for recapture cases, most of these 38 reports can be submitted by the end of the present fiscal year. These are all protest cases, the hearings on which have been completed. All information is available for our use should occasion require it, and the issues therein presented have, with possible few exceptions, been covered by previous decisions in the 609 cases decided after hearings on protest.

UNDERLYING AND TENTATIVE VALUATION REPORTS

In our last report we indicated that the field work had been completed with a few minor exceptions in connection with the valuation of 198 properties covering 5,843 miles of track which had come into existence since our original field work was concluded. During the past year we have served 88 engineering, 94 accounting, and 76 land reports upon those properties, making the total served to date 124 engineering, 120 accounting, and 187 land reports. The tentative valuation reports have been prepared but not served in 37 cases.

RECAPTURE WORK

Extensive data to be used for recapture reports and in hearings were collected during the year. Valuation data have been completed and furnished as a separate chapter for 68 tentative recapture cases. In addition to that work, hearings were closed in 32 recapture cases and partly heard in six additional cases.

VALUATION ORDER 3

As explained in earlier reports, this is one of our valuation orders issued in connection with the requirements of paragraph (f) of section 19a under the act, as follows:

Upon the completion of the valuation herein provided for the Commission shall thereafter in like manner keep itself informed of all extensions and improvements or other changes in the condition and value of the property of all common carriers, and shall ascertain the value thereof, and shall from time to time, revise and correct its valuations * * *.

We have pointed out before that as a preliminary to bringing valuations to a new date the section engaged in Valuation Order No. 3 work had been enlarged. The force assigned to the field work is about 15 per cent greater than the number in such service at the close of the year covered by our last report.

Examinations have been made on 735 operating systems whose mileage aggregates about 220,000 miles of road. These examinations have been completed for an average period of 10.5 years subsequent to the various dates of valuation and represent about 2,310,000 mile-years. There still remain to be examined an average of approximately 440,000 mile-years to January 1, 1928.

Examinations are now in progress on 10 operating systems whose mileage aggregates about 11,450 miles of road. These examinations cover an average period eight years subsequent to the various dates of valuation which represents 91,100 mile-years. These examinations are considered to be approximately 60 per cent complete, an equivalent to 6,870 miles, or 54,600 mile-years completed.

BRINGING VALUATIONS DOWN TO LATER DATES

In our last report we stated that for the purpose of giving general notice to the carriers of the procedure to be followed in bringing the valuations heretofore established down to later dates, we adopted and served upon 1,041 operating carriers supplement 5 to Valuation Order No. 3, Valuation Order No. 25, and an outline of plan for bringing land valuations to December 31, 1927. Specific requests have been made upon all carriers for the engineering and accounting data called for by the orders. The last of these was made in the

month of May, 1929. Complete returns have been received from about 700 operating carriers. According to the information we have received regarding the progress of this work, the number of completed reports will be increased to about 750, comprising about 175,000 miles of road, by January 1, 1931, and will be further increased to about 800 reports, covering about 236,000 miles, by June 30, 1931.

HOCH-SMITH RESOLUTION

The effect to be given to the Hoch-Smith resolution of Congress (January 25, 1925, U. S. C., title 49, sec. 55) has been profoundly influenced by the decision of the Supreme Court on June 2, 1930, in *Ann Arbor Railroad Co. v. United States*, 281 U. S. 658. As stated elsewhere in this report (p. 28), there was involved therein the validity of our order in *California Growers' & Shippers' Protective League v. Southern Pacific Co.*, 129 I. C. C. 25, 132 I. C. C. 582, wherein we had required certain reductions to be made by defendant carriers in the rates for the transportation of deciduous fruits. The decree below sustained our order; upon appeal, the Supreme Court held the order to be invalid.

The rates were assailed before us as unjust and unreasonable under section 1 (5) of the act, unduly preferential under section 3 (1) of the act, and as too high within the meaning of the Hoch-Smith resolution. Our findings were thus interpreted by the court:

The original and supplemental opinions of the commission show quite plainly that the commission based its order entirely upon the joint resolution. * * * True, in both the original and supplemental opinions it is said that the existing rates are unreasonable, but the opinions taken as a whole show that this means the rates were deemed unreasonable under the joint resolution when construed as the commission construed it, and not that they were deemed unreasonable under § 1 (5) or § 3 (1) of the Interstate Commerce Act. Throughout the opinions it is manifest that the commission was testing the reasonableness and validity of the rates by the considerations not applicable under those sections but believed by it to have been brought into the problem by the resolution.

The court stated the question presented to it to be—
whether the resolution changes the substantive provisions of existing laws relating to transportation rates, and particularly whether rates which would be lawful under those laws are made unlawful by it.

The resolution is quoted in full in our thirty-ninth annual report (1925), beginning at page 37. It will be seen that it is in three paragraphs. The court discusses and construes each, as follows:

* * * The first declares it to be a true policy in rate making that the conditions which at any given time prevail in the several industries "should be considered" in so far as it is "legally possible" to do so, to the end that commodities may move freely. This policy is not new. In rate making under

existing laws it has been recognized that conditions in a particular industry may and should be considered along with other factors in fixing rates for that industry and in determining their reasonableness; and it also has been recognized that so far as can be done with due regard for the interests affected rates should be such as will permit the commodities to which they relate to move freely in the channels of commerce.

The second paragraph is devoted chiefly to requiring the Commission to proceed along stated lines for the purpose of securing prompt observance of existing laws, such as §§ 1 (5) and 3 (1) of the Interstate Commerce Act, requiring that all rates be just and reasonable and prohibiting all undue preferences and unjust discriminations, whether relating to shippers, commodities, classes of traffic or localities. The only substantive provision in the paragraph is one declaring that in the adjustment of rates the factors to be considered shall include (a) the general and comparative levels in market value of the various classes and kinds of commodities as indicated over a reasonable period of years, (b) a natural and proper development of the country as a whole, and (c) the maintenance of an adequate system of transportation. These matters have all been regarded as factors requiring consideration under existing laws. The prohibition in Section 3 (1) of the Interstate Commerce Act of any undue preference of one locality over another always has been treated as intended to prevent the use of rates as a means of promoting the artificial development of one locality to the detriment of another. And what is said about the maintenance of an adequate system of transportation is but a reiteration of provisions embodied in existing laws.

The third paragraph was construed by the commission as making a change "in the basic law," as placing agricultural products in a "most favored" class, and as justifying a reduction in the rates on deciduous fruits moving from California to eastern points, notwithstanding most of the carriers "have not as yet made the fair return" for which Section 15a of the Interstate Commerce Act makes provision as a means of securing the maintenance of an adequate transportation system. Indeed, it is apparent from the commission's opinions that it regarded this paragraph as requiring it to condemn the existing rates as unreasonable and unlawful, although had they been considered independently of the paragraph, they must have been upheld as reasonable and lawful under the applicable sections, 1 (5) and 3 (1), of the existing law.

We are of opinion that the commission's construction cannot be supported. The paragraph does not purport to make any change in the existing law, but on the contrary requires that that law be given effect. Nor does it purport to make unlawful any rate which under the existing law is a lawful rate, but on the contrary leaves the validity of the rate to be tested by that law.

The paragraph requires only that "lawful changes" in the rate structure be made; and we find in it no sanction for any other change. Unless the paragraph can be said to give its own definition of a lawful change, reference must be had to Section 15, par. (1) of the existing law which shows under what conditions and how a lawful change of rate may be effected by the commission.

The commission stresses the concluding words in the same sentence with "lawful changes" and evidently regards them as qualifying the natural import of the latter and in effect specifying a new and reduced scale to be applied in rate making. The words stressed are, "at the lowest possible lawful rates compatible with the maintenance of adequate transportation service."

Considering the connection in which these words are brought into the sentence we think they fall much short of supporting the construction adopted by the commission. They are more in the nature of a hopeful characterization

of an object deemed desirable if, and in so far as, it may be attainable, than of a rule intended to control rate making. See *United States v. New York Central R. R. Co.*, 263 U. S. 603. Of course they should not lightly be disregarded. Neither should they lightly be accepted as overturning positive and unambiguous provisions constituting part of a system of laws reflecting a settled legislative policy, such as the Interstate Commerce Act. If they mean no more than that the depressed condition of the industry is to be given such consideration as may be reasonable considering the nature and cost of the transportation service and the need for maintaining an adequate transportation system they work no change in the existing law. But if they mean more and are intended to require that rates be reduced to some uncertain level below that standard they give rise to a serious question respecting the constitutional validity of the paragraph of which they are a part. See *Northern Pacific R. R. Co. v. North Dakota*, 236 U. S. 585, 595; *Norfolk & Western Ry. Co. v. West Virginia*, 236 U. S. 605; 608. By reason of their uncertain meaning, *United States v. Barnes*, 222 U. S. 513, 520, and of the constitutional question which would be raised if they were taken as the commission thinks they should be taken, *Harriman v. Interstate Commerce Commission*, 211 U. S. 407, 422, we think they must be held to no substantial change in the meaning or operation of Sections 1 (5), 3 (1) and 15, par. (1) of the existing law.

The conclusion of the court was that our order was based upon an erroneous construction of the joint resolution, and therefore should have been set aside by the court below, and the decree below was reversed.

The proceeding before us has been reopened for further hearing, which has been held, and the matter is now pending.

In our thirty-ninth annual report (1925), at pages 38-41, we detailed the steps taken under the second paragraph of the Resolution, and the institution of a general investigation, docketed and entitled No. 17,000, *Rate Structure Investigation*; and annually since we have reported the progress made under that investigation. During the period covered by this report, considerable progress has been made in the determination of many important sections of that investigation. There have been completed or are in progress 16 separate inquiries covering class rates or important commodities or commodity groups. These parts and their present status are as follows:

Part 1, Revenues in western district.—Subsequent to the issuance of our order in No. 17000, instituting a general investigation of the rate structure of the country, the principal rail carriers in the western district petitioned the commission for an increase in revenues, Ex parte 87, *Revenues in Western District*. Although Ex parte 87 and No. 17000 were heard on one record, the evidence was directed largely to the former and the proceeding was treated as No. 17000, part 1. It was found that the showing of the existence of an emergency in that district did not warrant the blanket increases in freight rates sought by the carriers, and their petitions were accordingly denied

July 14, 1926, *Revenues in Western District*, 113 I. C. C. 3. The record, however, was held open for further consideration in connection with No. 17000 and related proceedings.

Part 2, Western trunk-line class rates.—At the time of our last annual report, this proceeding had been submitted and was awaiting our decision. We had under consideration class rates and related matters pertaining to traffic moving between points within western trunk-line territory and between that territory and all the country east of the Mississippi River and Lake Michigan. A report containing our conclusions and findings was adopted on May 6, 1930, *Western Trunk Line Class Rates*, 164 I. C. C. 1. Prior to its adoption we had a joint conference on the tentative final report between the commission and a member from each of the railroad commissions in the 11 western trunk-line States. These commissions had cooperated with us throughout the proceedings.

An entirely new rate structure was prescribed. Western trunk-line territory was divided into three rate zones, extending roughly in a north-and-south direction. Each zone was given a distance scale of first-class rates bearing certain relations to the others, the rate levels increasing going westward. Joint through all-rail rates were prescribed between western trunk-line and official territories in place of the prevailing general basis of combination of rates on the Mississippi River or other gateways.

The carriers were also required to establish a complete structure of joint through rail-and-lake and rail-lake-and-rail rates between western trunk-line territory and eastern and New England territories, instead of present combinations on the western Lake ports. A new basis for interterritorial rates between western trunk-line and southern territories was not prescribed because of the meagerness of the record and the united position taken by southern State commissions, shippers, and carriers.

Western classification will govern the intra and interterritorial rates prescribed. Its 10 ratings were given appropriate percentages of the first-class rates. Certain articles were accorded percentages lower than under their respective full-class bases. No increases were permitted in the present class rates on hay, straw, potatoes, cabbage, apples, and wool in the grease in carloads.

Generally speaking, the rate level intraterritorially will be increased and reduced interterritorially, although there are important exceptions. Western trunk-line carriers were found entitled to the increased revenues expected to be yielded by the increased rates found justified, because of their financial condition. It is roughly estimated that the rates authorized will yield from \$10,000,000 to \$12,000,000

increased revenues per year if the bases prescribed become effective on both interstate and intrastate traffic.

Carriers were expected to make effective by November 1, 1930, the entire all-rail rate adjustment required, both intra and interterritorially. They subsequently advised that, because of the enormous task of computing, compiling, and publishing the millions of rates prescribed, it is physically impossible to establish the entire adjustment before February 1, 1931; and intimate that it may not be possible until June 1, 1931.

Meanwhile, several petitions have been filed asking for reargument and reconsideration of the matters therein brought to our attention.

Part 3, Cotton.—The scope of this proceeding has been outlined in previous annual reports. A report which disposes of all the issues raised except with respect to rail-and-water rates on cotton, consideration of which was deferred for the time being, was adopted on July 15, 1930. (165 I. C. C. 595.) The effective date of the order is January 10, 1931, and up to the present time there has been no indication that rates in compliance with the order will not become effective on that date.

Part 4, Petroleum and petroleum products.—This part of No. 17000 has to do with the rates on petroleum and its products within the territory on and east of the Mississippi River and the Indiana-Illinois State line and from points without to points within that territory. It was heard jointly under the cooperative plan with a representative of the State commissions of the Southern States. A proposed report was served, to which exceptions were filed, and oral argument had. The report of the commission is in course of preparation. An exchange of views between the participating commissions will be had before final action.

Part 4-A, Petroleum and its products from, to, and between points in the Southwest.—This part of No. 17000 has to do with the rates on refined petroleum products within the Southwest. It was heard jointly under the cooperative plan with similar proceedings before the State commissions of Arkansas, Kansas, Missouri, Oklahoma, and Texas. A proposed report was served, to which numerous exceptions were filed. Oral argument was had in April, 1930. The report of the commission is now in course of preparation and the commissioner in charge will arrange for an exchange of views between the participating commissions before final action.

Part 5, Furniture.—As summarized in our two preceding annual reports, this part of the general investigation, heard with No. 18323, *Investigation of Rates on Furniture*, coextensive in scope, and with certain related complaints and two suspension proceedings of more or less general concern, embraces all classifications, ratings, rates,

charges, rules, regulations, and practices pertaining to the interstate transportation of household, office, store, and other furniture, of wood, reed or fiber, and metal in carloads and less than carloads between all points in the United States.

The hearings stated in our next preceding report, having been completed and briefs and reply briefs for various interests having been filed, a proposed report was written by the examiners and served on the parties of record September 13, 1930. Exceptions to the report and supporting briefs will be due January 31, 1931, and replies and supporting briefs will be due March 2, 1931. The proceedings will then be ready for oral argument and submission.

Part 6, Iron and steel investigation.—Since our last annual report three supplemental reports, 161 I. C. C. 386, 161 I. C. C. 608, and 168 I. C. C. 107, have been issued in this case, modifying in some minor respects certain of the findings in the original report, 155 I. C. C. 517.

Part 7, grain and grain products.—At page 71 of our last annual report it was shown that this is an inquiry into all of the rates, regulations, and practices affecting the transportation of grain and grain products within the western district, in Illinois, and for export; that the record comprised approximately 55,000 pages of testimony and 2,106 exhibits, submitted during the 46 weeks of hearings at the various points there named; that briefs and exceptions comprising some 13,500 pages were filed and 2,412 pages of oral argument had from May 27 to June 15, 1929. This case was finally submitted on written memoranda July 1, 1929, and decided July 1, 1930. The findings and order require substantial changes in the general level and relation of rates, and in practices affecting transit, the checking in of which is now occupying the attention of the carriers. The original effective date of the order was October 1, 1930, but was postponed, upon application of the carriers for additional time necessary for the comprehensive revision, to January 1, 1931.

Part 7-A, Grain and grain products, southern territory rates.—This inquiry is described at page 66 of our last annual report as being one instituted upon our own motion into the rates on grain and grain products within southern territory, and from the western district and central territory to destinations in southern territory. The close relation of this inquiry to part 7 is there referred to, and the inadvisability of scheduling hearings in part 7-A in advance of the conclusions reached in part 7. Hearings in part 7-A will be scheduled as soon as the work of the commission incident to the checking in of the adjustment required in part 7 will permit.

Part 8, Cottonseed, its products, and related articles.—The scope of this part of the investigation was set forth on page 72 of our last annual report. A proposed report will be served soon.

Part 9, Livestock.—The part of the investigation covering rates throughout the South, and the territory west of Chicago and the Mississippi River, has been explained in prior reports. The proceedings covering these territories have been concluded and are awaiting the final determination of the commission. They are now receiving our active consideration and it is believed that a conclusion may be arrived at and our report published by the first of the year.

Part 10, Hay.—As stated on page 72 of our last report, hearings in this part, which is an inquiry into the rates for the transportation of hay within the western district, have been concluded. Briefs have now been filed and a proposed report is now in course of preparation.

Part 11, Sand and gravel.—The scope of this part of the general investigation was summarized in our two preceding annual reports. In our last report we pointed out that the uniform basis of rates which we had approved for application on sand, gravel, crushed stone, and related commodities, in carloads, in the southwestern territory considered in the said proceeding had become effective on both interstate and intrastate traffic.

However, as pointed out in our decision, we were unable to determine the proper level of rates for application on silica sand, due to the meager evidence of record respecting that commodity. A further hearing was subsequently had on this question in conjunction with the hearing had in Part 11-A referred to next below.

Part 11-A, Sand and gravel.—This part of our general investigation relates to the interstate rates and charges on sand, gravel, crushed stone, and related commodities, in carloads, between points in Missouri and Kansas and between points in those States, on the one hand, and points in Oklahoma and Arkansas, on the other hand. The relations between said interstate rates and charges and those applying intrastate on this traffic between points within the States of Missouri and Kansas are also involved. Hearings in this part have been concluded. The State commission of each of the four above-mentioned States was invited to participate in the proceeding and representatives from such commissions sat in the hearings. A proposed report will be issued at an early date.

Part 12, Nonferrous metals.—The scope of this part of the general rate structure investigation is described at page 73 of our last annual report. Briefly, it includes the rates throughout the United States on copper, lead, and zinc, including the ores, concentrates, refined metals, by-products, secondary metals, and scrap; the rates on brass or bronze, bars, borings, etc.; the rates on antimony; and the rates on block, scrap and sheet tin, but not on tin plate. Hearings in cooperation with the State commissions of the ore-producing

districts represented by a special committee appointed for that purpose, have been held in Chicago, Washington, Phoenix, Salt Lake City, Butte, and Denver, between December 11, 1929, and July 30, 1930. Additional hearings will be held in St. Louis and New York City. At the present time the proceeding includes four investigation and suspension cases and five complaint cases, in addition to the general investigation.

Part 13, Salt.—This part of No. 17000 has to do with the rates on salt throughout the United States. It is being heard under the cooperative plan with a committee representing various State commissions. The first hearing was held at Chicago, beginning September 22, 1930. Subsequent hearings were held at Buffalo, N. Y.; Kansas City, Mo.; Dallas, Tex.; and Atlanta, Ga. Other hearings will be had at Chicago and San Francisco during December, 1930, and January, 1931.

CLASS-RATE READJUSTMENTS

During the year we announced simultaneously our decisions in two major proceedings involving comprehensive adjustments of class rates within and between official and western trunk-line territories, *Eastern Class-Rate Investigation*, 164 I. C. C. 314, and *Western Trunk-line Class Rates*, 164 I. C. C. 1. The latter case is also referred to elsewhere in this report under the heading Hoch-Smith Resolution. The general nature of these proceedings and their territorial scope have been described in our annual reports for prior years.

The carriers affected by these decisions have large forces of men now engaged in preparing tariffs carrying out our findings. It is hoped that the new rates may be made effective early in 1931, but the exact date is in doubt. A number of petitions, seeking modifications of certain of our findings, have been filed by both carriers and shippers and they will be acted on without undue delay.

The two decisions above referred to, which involve class rates in the territory lying roughly north of the thirty-seventh parallel of latitude between the Atlantic Ocean and the Rocky Mountains, complete in a general way the readjustment of class rates which has been in progress for the greater part of a decade. Since this readjustment has had to be undertaken in proceedings largely separate from and unrelated to each other, certain problems of relative adjustment have arisen and remain to be disposed of. For example, complaints filed by the States of North Carolina and Kentucky, assailing rates between those States and official territory on the north of them, are pending and have been the subject of hearings during the current year. Neither has as yet been submitted for

decision. We have also found it advisable to reopen the *Consolidated Southwestern Cases*, 123 I. C. C. 203, for further hearing as to the reasonableness of the rates previously prescribed in the light of our findings in *Western Trunk-Line Class Rates*, *supra*.

INVESTIGATIONS

Reports have been made and published in the following investigations, instituted on our own motion:

Consolidation of the railway properties in the United States into a limited number of systems. 159 I. C. C. 522, 163 I. C. C. 188.

Interstate class rates within official classification territory. 164 I. C. C. 314.

Rules for car-hire settlement. 160 I. C. C. 369, 165 I. C. C. 495.

Rates on bituminous coal from points in Illinois to East St. Louis, Ill., switching district. 161 I. C. C. 371.

Interstate rates on petroleum products to points in Colorado and Utah. 167 I. C. C. 131.

Lawfulness of the tariffs of the Warrior River Terminal Company, naming rates for application upon traffic moving to and from industries and connections with other carriers, from and to its terminal at Birmingham, Ala., when such traffic is moved by the barges of the Inland Waterways Corporation, operating the Mississippi Warrior Service, and into the lawfulness of tariffs of the Inland Waterways Corporation providing for the absorption of said rates. 167 I. C. C. 640.

Sand, gravel, and crushed stone from Indiana and Illinois points to destinations in Illinois. 160 I. C. C. 507.

Other investigations are pending, some of the more important of which are:

General revision of accounting rules of steam railroads.

Classes of depreciable property of telephone companies and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Classes of depreciable property of steam-railroad companies and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Classes of depreciable property of carriers by water and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Classes of depreciable property of electric-railway companies and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Classes of depreciable property of carriers by pipe line and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Classes of depreciable property of sleeping-car companies and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Classes of depreciable property of express companies and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Divisions of freight rates in western and mountain-Pacific territories.

Refrigeration charges on fruits, vegetables, berries, and melons from the South.

Rates on furniture.

Rates on petroleum and petroleum products within the territory on the east of the Mississippi River, south of the Ohio River, and east of the Indiana-Illinois State line, and from points without to points within said territory.

Revenues in western district and rate-structure investigation. For a more detailed statement of these investigations see chapter entitled "Hoch-Smith Resolution."

Transfer of freight within St. Louis and East St. Louis by dray and truck for and on behalf of railroads.

Switching rates in Chicago switching district.

Refrigeration charges on fruits, vegetables, berries, and melons from the West.

Rates on salt from producing points in the States of Louisiana, Ohio, Michigan, Kansas, West Virginia, New York, and Chicago, Ill., to points in southern territory and between points in southern territory.

Rates on newsprint paper, import and domestic, to points in official and southern classification territories.

Lawfulness of the rates, charges, rules, regulations, and practices of common carriers by railroad subject to the interstate commerce act incident to the use of car-container equipment.

Interstate rates between points in Missouri.

Accounting for rebuilding freight cars by Chesapeake & Ohio Railway.

Lawfulness of the carload, less-than-carload, and any-quantity rates and ratings, and the carload minimum weights, maintained by common carriers subject to the provisions of the interstate commerce act, and parties to the official, southern, and western classifications, applicable to the interstate transportation of metal containers.

Propriety and lawfulness of the methods and practices employed by common carriers by railroad, subject to the interstate commerce act, in purchasing equipment, materials, supplies, or other commodities or articles, with particular reference to the extent, if any, to which such purchases from any manufacturer, producer, or dealer is dependent upon or influenced by the routing of traffic controlled directly or indirectly by such concern via the line or lines of the purchasing carrier.

Lawfulness of charging by railroads of extra fares on passenger trains in addition to the regular passenger and Pullman fares and surcharges.

Rates on and classification of certain commodities from and to points in southern peninsula of Florida.

Lawfulness and propriety of the description and loading requirement applicable to interstate transportation of common brick, in carloads, in trunk-line territory.

Legality and propriety of various matters growing out of the coordination of transportation of passengers and property in commerce by motor vehicles on the public highways by or in connection or in competition with common carriers.

INTRASTATE RATE CASES

Reports have been made and published in the following proceedings instituted by us under section 13 of the act:

Intrastate class rates within the State of South Dakota. 164 I. C. C. 1.

Rates on chert, clay, sand, and gravel within the State of Georgia. 160 I. C. C. 309.

Rates on iron and steel articles, in carloads, within the State of Ohio. 161 I. C. C. 608.

Rates on bituminous coal from points in Missouri to Kansas City and St. Joseph, Mo. 159 I. C. C. 617.

Intrastate rates within the State of Louisiana. 164 I. C. C. 600.

Rates on fresh meats and packing-house products, in carloads, within the State of Iowa. 167 I. C. C. 311.

Rates, fares, and charges of the Wheeling Traction Co. within the State of Ohio. 163 I. C. C. 271.

No reports have been made during the year in the following investigations under that section:

Rates for berths, drawing-rooms, compartments, and seats in sleeping and parlor cars of the Pullman Co. in the State of Louisiana.

Intrastate rates on bituminous coal within the State of Indiana.

Rates on fertilizers and fertilizer materials within the State of Virginia.

Rates on sand, gravel, crushed stone, and chert within the State of South Carolina.

Intrastate rates on bituminous coal between points in Illinois.

Rates on raw dolomite and fluxing stone within the State of Ohio.

Rates on petroleum and petroleum products with the State of Montana.

Rates on fertilizers and fertilizer materials within the State of Mississippi, and on fertilizer materials within the State of Louisiana east of the Mississippi River.

RECIPROCITY IN PURCHASING AND ROUTING

On July 22, 1929, we entered upon an investigation, under Docket No. 22455, into and concerning the methods and practices employed by common carriers by railroad subject to the interstate commerce act in purchasing equipment, materials, supplies, or other commodities or articles, with particular reference to the extent, if any, to which such purchases from any manufacturer, producer, or dealer is dependent upon or influenced by the routing of traffic controlled directly or indirectly by such concern via the line or lines of the purchasing carrier, with a view to making such order or orders or taking such other action in the premises as may be warranted by the record. In carrying on this investigation we have gathered from the records of different carriers throughout the country data tending to show the practices of railroads and shippers in this connection. The field work has been conducted under the supervision of our bureau of service largely through service agents and accountants. Hearings were begun on September 23 at Chicago, and further hearings are to follow at different points.

APPLICATIONS UNDER THE DENISON ACT

Since our last annual report we have issued two additional certificates of public convenience and necessity to water carriers on the Mississippi and Warrior Rivers or tributaries thereof under the provisions of section 3 (e) of the Inland Waterways Corporation act, as amended by the so-called Denison Act of May 29, 1928. One of

the applicants was the Beardslee Launch & Barge Service (Inc.) engaged in the transportation of lumber and forest products between Service, Ala., and Mobile, Ala., on the Tombigbee and Mobile Rivers, and the rate order accompanying the certificate required the establishment of through routes and joint rates on lumber and forest products to northern points over rail lines connecting with the applicant at Mobile. *Through Routes and Rates with Beardslee Launch*, 165 I. C. C. 200. The other certificate was granted to the Mississippi Valley Barge Line Co., operating a barge line for general transportation between Cincinnati, Ohio, and New Orleans, La. Through routes and joint class and commodity rates between central territory on the one hand and New Orleans and southwestern territory via the applicant were required to be established. *Application of Mississippi Valley B. L. Co.*, 167 I. C. C. 41. The rates required by the orders in these proceedings are now in effect.

During the year we have issued a number of supplemental reports in Ex Parte No. 96, which is the designation of the proceeding previously instituted by us for consideration of the application filed under this statute by the Federal Barge Line, *Through Routes and Joint Rates*, 161 I. C. C. 207; 163 I. C. C. 716; 167 I. C. C. 385. These reports dealt with certain details of the general structure of through routes and joint rates originally prescribed. A number of tariffs publishing rates in conformity with that order have been filed and others are still in course of preparation. Because of the broad scope of our order the work of compiling and printing tariffs has necessarily extended over many months. The Federal Barge Line plans in the near future to inaugurate service on the Illinois River system of waterways and has filed a supplemental petition in Ex Parte No. 96, seeking additional through routes and joint rates via ports on that system. That petition has not as yet been acted upon. There is also pending the determination of divisions of the joint rates thus far established, with respect to which the Federal Barge Line and connecting rail carriers are in disagreement.

During the year our rules of practice have been amended to provide a method of procedure for handling applications under the Denison Act.

COMPILATION AND ANNOTATION OF STATUTES

The compilation and annotation of the interstate commerce act and related acts, as directed by S. R. 17, adopted January 14, 1928, was completed and transmitted to the Senate on December 31, 1929. It has been published in five volumes as Senate Document No. 166, Seventieth Congress, first session.

We will keep the work current in such form that supplements can be issued and published from time to time, both for our own purposes, and to be available for the Congress in like manner as the original work was prepared.

PRACTITIONERS BEFORE THE COMMISSION

By amendment to the rules of practice adopted May 1, 1929, we provided for a register of all persons admitted to practice before the commission. The amended rules became effective September 1, 1929. To the end of the period covered by this report 14,351 persons have been admitted to practice and entered upon the register. Of these 1,765 were admitted upon presentation of certificates showing admission in the courts, and the remainder upon showings as to qualifications, and the vouchers and upon the motions of three registered practitioners.

This covers attorneys, traffic men, and others regularly and professionally appearing before us as "practitioners." Such registration does not, however, cover those who, bringing actions before us, exercise their rights as complainants, petitioners, etc., to appear in their own behalf. The right of such parties to appear is statutory, and the commission has made it clear that it does not intend to restrict such appearances.

It is worthy of record that soon after the register of practitioners was established, there was formed an Association of Practitioners before the Interstate Commerce Commission, with aims and powers in general similar to those of a bar association. On October 30 and 31 the association held its first annual session, in Washington, with a large attendance from its membership of approximately 1,500 practitioners. The Chief Justice of the United States made the opening address. A notable result of the session was the adoption by unanimous vote of a code of professional ethics, modeled upon the code of ethics of the American Bar Association, and designed to aid in compliance with our rule of practice which requires that all parties appearing in proceedings before us must conform to the standards of ethical conduct required of practitioners before the courts of the United States. The general acceptance and observance of such a code of ethical practice will tend to facilitate and promote the administration of our duties under the act.

COOPERATION OF FEDERAL AND STATE COMMISSIONS

Since our last report we have cooperated with State commissions in 22 proceedings involving interstate-intrastate rate relations. Of these, 18 were complaints filed with us in respect of rates in effect and 4 were investigation and suspension proceedings arising out of

orders issued by us and by State commissions suspending the effective dates of rates proposed by carriers. A check of our records discloses that in these cases we had the cooperation of 12 different State commissions, 7 of which cooperated in more than one case. In addition active cooperation has continued in the various inquiries

BOARD OF REFEREES

These boards, created to hear and determine cases brought under the provisions of section 3 of the Federal control act, have been constituted from our staff of employees.

Two cases were dismissed, and none are now pending.

COORDINATION OF RAIL AND MOTOR TRANSPORTATION

In the present state of the law there is no regulation exercised over the operation of motor busses and motor trucks engaged in interstate commerce when they are not used in terminal service in connection with rail transportation. In view of this situation and considering the rapidly increasing importance of motor transportation in 1926 we entered upon an investigation into the general question of the operation of motor busses and motor trucks by or in connection or competition with common carriers subject to the interstate commerce act. After extended hearings we made a report (Motor Bus and Motor Truck Operation, 140 I. C. C. 685) to the Congress with certain recommendations as to legislation which we believed our investigation had shown was necessary in respect of the operation of motor vehicles in interstate commerce.

We recommended the regulation of interstate commerce by motor vehicles operating as common carriers of passengers on the public highways, but stated that there did not appear to be at that time a public need for the regulation of motor trucks engaged in interstate commerce. We also recommended, among other things, that railroads and water carriers subject to the interstate commerce act should be authorized to participate in joint rates and through routes with common-carrier motor-bus lines holding certificates of convenience and necessity from some regulatory body. Other recommendations related to the issuance of certificates of convenience and necessity, provision for liability insurance or indemnity bonds,

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ERRATA

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and the vesting of original jurisdiction, in the administration of the regulation recommended, in the State regulatory bodies or officials charged with the administration of State laws and regulations covering intrastate commerce by motor vehicles.

A bill, H. R. 10288, Seventy-first Congress, now pending as unfinished business of the Congress, proposes legislation to regulate the transportation of persons in interstate commerce by motor bus, as recommended by us. This bill incorporates some, but not all, of our recommendations. For example, this bill does not provide for the participation by rail or water carriers subject to the act in joint rates and through routes with motor vehicle lines.

Since 1926 there has been a greatly expanded use of motor vehicles by the rail and water carriers subject to our jurisdiction. Numerous situations have been called to our attention by formal complaints and otherwise concerning these operations. In order that we may be fully informed as to the present situation and the extent of motor vehicle operations in interstate commerce and their relation to rail and water transportation and the manner in which such operations are being conducted, with a view to determining the best means of coordinating the various transportation agencies in the interest of an efficient and adequate system of transportation, we have instituted an investigation into the matter of the coordination of motor transportation with rail and water transportation. This proceeding has been assigned for hearing at important cities in various parts of the country.

We deem it appropriate to say, however, that we know of no good reason why this new inquiry should operate in any wise to postpone or delay the consideration of the legislation for the regulation of the motor bus which is now pending in Congress. While it is not unlikely that such legislation, in the form now proposed, may prove inadequate to meet all the needs of the situation, and while the investigation which we have under way may develop facts pertinent in that connection, nevertheless such legislation will be a first step in regulation which we believe ought to be taken without delay. It will furnish a nucleus of experience upon which to build for the future.

RAILWAY-MAIL PAY

There are no proceedings involving railway-mail pay pending at this time.

Individual applications of five short-line railroads for classification as separately operated short lines less than 100 miles in length, for which rates of mail pay are established on a higher basis than those for larger railroads, were passed upon in accordance with the special facts and circumstances pertaining to their operations and administration. The special point raised in each application was

whether the fact that a short line less than 100 miles in length has an officer or officers in common with some other railroad takes it out of the class of separately operated short-line railroads. In deciding that the applicant railroads were separately operated, although they had officers in common with other railroads, we stated that it was difficult to formulate a general definition that would meet all the circumstances and conditions that now or may in the future surround or affect the operations of short lines and that each case must be decided upon the facts presented. *Railway Mail Pay*, 165 I. C. C. 774.

STANDARD TIME-ZONE INVESTIGATION

Effective at 2 o'clock ante meridian December 9, 1929, in our seventeenth supplemental report in this proceeding, 159 I. C. C. 297, we modified the boundary line between the United States standard central and mountain time zones so as to include all but the southwestern corner of North Dakota within the central zone. The previous line ran roughly from the Canadian border west of the Minneapolis, St. Paul & Saulte Ste. Marie Railway to Minot, N. Dak., thence south to the thirteenth standard parallel, west to the Missouri River, and southerly and easterly along that river through Mandan, N. Dak. The new line runs along the western border of North Dakota to the Chicago, Milwaukee, St. Paul & Pacific Railway and east along that road to the southern border. Authority was granted to permit certain railroads to observe mountain time, for operating purposes only, as far east as New England, N. Dak., on the Chicago, Milwaukee, St. Paul & Pacific Railway, Watford City, N. Dak., on the Great Northern Railway, and Mandan, N. Dak., on the Northern Pacific, and also granted to the first carrier mentioned to observe central time, for operating purposes only, as far west as Whitetail, Mont.

FINANCIAL CONDITION OF THE RAILWAYS

As appears from detailed statistics shown elsewhere in this report, the steam railways have experienced a heavy decline in gross and net earnings as the result of the economic depression which began in 1929. With a fall of 14.2 per cent in the operating revenues of Class I railways in the first eight months of this year from the revenues of the same period last year, and with a curtailment of only 9.9 per cent in expenses and taxes, the net railway operating income available for interest and dividends was less by \$273,000,000, or nearly 33 per cent, for the 1930 than for the 1929 period. If railway finances were suffering only from the fact that a recession in business is being experienced as in other industries of this country and of the world, it might be sufficient to point out that in judging of railway in-

come one should in fairness consider the good and bad years together. But a different and more threatening financial difficulty confronts the railways. This is the effect of the competition of other forms of transportation. With a plant developed to carry a great volume of passenger business, the railways find themselves confronted with a steady lessening in the volume of passenger travel by rail and consequently in gross revenues from that source. The passenger revenue of 1929 was over \$414,000,000 less than that of 1920. It is true that the freight revenue was \$498,000,000 greater in 1929 than in 1920, but the prospect of a continued expansion in freight business to offset the further loss in passenger business is darkened by the competition of water lines, pipe lines, and trucks, and by changes that may check the growth in demand for ton-mileage, such as economy in the use of coal, changes in the location of industry, and the relatively slower growth of population.

However, the country still needs its railways and can support them. With the traffic of 1929 the railways were as a whole enjoying a comfortable degree of prosperity, even though they did not reach the full return upon their property which we think would be reasonable. Fortunately for their financial position, their capitalization in recent years has not kept pace with their investment, and the relation of their net income, after interest charges and all taxes, to their capital stock was never better in their history than it was in 1929. The following table shows the relation of net income to stock for the period 1910 to 1929:

Capital stock actually outstanding and net income of all steam railways, excluding switching and terminal companies, 1910-1929

Year ended—	Capital stock	Net income after interest charges and all taxes	Ratio of net income to stock
	Millions	Millions	Per cent
June 30:			
1910.....	\$8,011	\$583	7.28
1911.....	8,363	547	6.54
1912.....	8,552	453	5.30
1913.....	8,600	544	6.33
1914.....	8,654	395	4.57
1915.....	8,635	355	4.11
1916.....	8,743	671	7.68
Dec. 31:			
1916.....	8,755	735	8.40
1917.....	9,004	658	7.31
1918.....	8,847	442	5.00
1919.....	8,883	497	5.59
1920.....	8,843	482	5.45
1921.....	8,890	351	3.94
1922.....	8,962	434	4.85
1923.....	9,093	632	6.95
1924.....	9,300	623	6.70
1925.....	9,413	771	8.19
1926.....	9,365	883	9.43
1927.....	9,539	742	7.78
1928.....	9,722	855	8.79
1929.....	9,847	977	9.92

ESTABLISHMENT OF THROUGH ROUTES

Because the matter is, we believe, of considerable importance, we quote the following passage from our last annual report:

In another part of this report the recent decision of the Supreme Court in *United States v. Missouri Pacific*, 278 U. S. 269, is summarized. Briefly, it was decided that in connection with the establishment of through routes section 15 (4) prohibits us from requiring any carrier by railroad to join in an all-rail through route which does not embrace its long haul unless the inclusion of its long haul would render the route unreasonably long. Our interpretation of the paragraph had theretofore been that it was intended to protect the long hauls only of originating carriers, or of subsequent carriers after obtaining possession of the traffic. The main reason for this interpretation, which has now proved to be erroneous, was that it was necessary to give reasonable effect to the statute, for there are innumerable instances of overlapping lines where the conflicting long-haul interests of participating carriers would, in default of such an interpretation, prevent us from establishing any through route. The meaning and effect of the Supreme Court's decision were discussed at length in *Stickell & Sons v. Western M. Ry. Co.*, 153 I. C. C. 759.

Because of this situation, which is likely to result in substantial nullification in many instances of a statutory provision of great importance to shippers, and sometimes to carriers as well, we recommend that paragraph (4) of section 15 be amended so as to restrict the "long-haul right" to originating carriers.

No action has as yet been taken on this recommendation, but added experience with the difficulties which now encompass the prescription of through routes and joint rates thereover have strengthened our conviction that the legislation proposed is needed in the public interest.

CONSOLIDATION OF RAILROADS

In our annual report for 1929 we stated that for several preceding years we had suggested an amendment to section 5 of the interstate commerce act which would relieve the commission of the duty of formulating a plan for the consolidation of the railway properties of the continental United States into a limited number of systems, but that the Congress had not done so, and we believed it our duty to comply with the law as soon as possible. We also stated that we were then actively engaged upon the task and expressed the hope that we would be able to adopt and publish a plan soon after the convening of Congress in regular session.

This was done. On December 9, 1929, we announced our plan for the consolidation of the railway properties of the United States into 21 systems. This plan, together with certain general principles, which we believed should govern in the carrying out of the plan, was duly published and may be found in *Consolidation of Railroads*, 159 I. C. C. 522.

Nothing has been undertaken before us by any of the carriers under section 5, (6) looking to a carrying out of the plan. Whatever has been accomplished has been as heretofore under paragraph (2), as is more fully explained elsewhere in this report.

HOLDING COMPANIES

In our last annual report we called attention to the activities of so-called holding companies in acquiring control of railroads, and pointed out, after some considerable discussion of the subject, that through such activities "the subjection of the unification of carriers by railroad to the orderly processes of a carefully planned scheme of public regulation, which section 5 was designed to accomplish, is very likely to be partially or even wholly defeated, subject to the possibility that the Clayton Antitrust Act may in some measure, after protracted litigation, enable control over the situation to be maintained." We recommended a thorough investigation of this situation with a view to determining what legislation, if any, is necessary or desirable.

In response to this recommendation the House of Representatives very promptly passed its Resolution 114, under which the Committee on Interstate and Foreign Commerce at once began an extensive and searching investigation. It was authorized by the resolution—

to investigate the ownership and the control, direct or indirect (through stock ownership or control or otherwise), of stock, securities, or capital interests in any common carrier engaged in the transportation of persons or property in interstate commerce by holding companies, investment trusts, individuals, partnerships, corporations, associations, and trusts, and the organization, financing, development, management, operation, and control of such holding companies, investment trusts, partnerships, corporations, associations, and trusts, with a view to determining the effect of such ownership and control on interstate and foreign commerce, and, to the extent necessary to determine the effect of such ownership and control, to make like investigation of common carriers so engaged.

We have been kept advised as to the progress of that inquiry, and in connection with it have given the House committee the services of various members of our staff. The investigation promises to develop much pertinent information which has not hitherto been made available in any authoritative or adequate form. It may be anticipated that upon the basis of this information the House committee will be able at a comparatively early date to recommend such legislation as it may deem necessary for the proper protection of the public interest. In that event the importance of the subject warrants the expression of a hope that such legislative proposals, if any, may receive early consideration.

FREIGHT-FORWARDING COMPANIES

An investigation conducted during the year through our bureau of inquiry has disclosed an urgent need of legislation to subject freight forwarding companies to the regulatory provisions of the act.

The principal service which these companies perform is to combine less-than-carload shipments of freight so that they may move in carload lots at carload rates. They furnish such service chiefly between the larger cities. In every such city many business houses ship freight in less-than-carload lots to the same destinations. If they ship individually, they must pay less-than-carload rates. By utilizing the services of a forwarding company their shipments are combined so that the advantage of the lower carload rates is secured. The forwarding company retains part of the difference between the two kinds of rates as compensation for its services and gives the shippers the benefit of the remainder. Under modern practice these companies usually pick up the individual lots of freight at store door at point of origin and deliver them in the same manner at destination, operating motor trucks for this purpose. Usually, also, they publish schedules of rates covering the entire transportation from store door to store door. Generally speaking, these rates are somewhat lower than the less-than-carload rates charged by the railroads and somewhat higher than the carload rates. That portion of the through transportation which is by railroad is performed for the forwarding companies as shippers, at the legal carload rates published by the rail carriers, in accordance with the principle announced in *Interstate Commerce Commission v. Delaware, Lackawanna & Western Railroad*, 220 U. S. 235.

During the past few years the business of forwarding companies has expanded rapidly, and many new concerns have entered the field. Our investigation has disclosed, also, that several of the more important of these forwarding companies have come, directly or indirectly, under the domination of railroad companies subject to our jurisdiction. In general, this domination has been brought about through the medium of subsidiary or affiliated holding companies. It appears to be a phase of the intense railroad competition now prevailing for traffic between the important centers of population and business. Our investigation has further disclosed that owing to this keen rivalry for traffic the forwarding companies do not adhere to their published rates. It is common practice on their part to grant concessions from these rates where necessary to secure the business, and this is done in various ways and through various devices. Even cash payments to industrial traffic managers are not unknown.

The result is that shippers of less-than-carload freight, more particularly in the larger cities, are to-day confronted with a situation similar to that which existed in respect to railroad rates prior to the enactment of the act to regulate commerce, and even thereafter until the amendatory legislation of 1903 and 1906. That is to say, there is no stability in the rates of the forwarding companies, and a shipper has no means of knowing definitely what rates his competitors, or even he himself, will have to pay these companies from day to day for the carriage of less-than-carload shipments. This situation has been intensified by the fact that to the competition of the forwarding companies with each other there has now been added the competition of the railroad companies under whose domination they are rapidly coming, and by the further fact that the forwarding companies, due to this domination, in many instances are no longer dependent wholly upon their own financial resources.

It is possible that to some extent the evils of this situation can be reached through the Elkins Act or the provisions of other statutes which we administer; but the indirection with which railroad domination of the forwarding companies has in general been brought about presents obstacles to such action. A more effective way of dealing with the situation is to extend our jurisdiction over the forwarding companies, a course which we believe to be legally practicable. Our investigation has disclosed that the business of the forwarding companies is in such a general state of chaos that many of them, and the rail carriers which dominate them, favor legislation of this character as the best means of stamping out practices which have resulted in serious depletion of revenues and unequal and unjustly discriminatory treatment of shippers.

We recommend, therefore, that the interstate commerce act be amended so as to require that the rates, rules, regulations, and practices of forwarding companies which are engaged in interstate commerce shall be just, reasonable, nondiscriminatory, and not unduly preferential or prejudicial; to require such forwarding companies to file with us and strictly observe published schedules of their interstate rates and charges; and to provide penalties for departure from such schedules, or for the granting of concessions, rebates, or the like to any shipper by means of any device and to provide that the administrative machinery of the interstate commerce act shall be applicable for the enforcement of the duties so imposed.

RECOVERY OF EXCESS NET RAILWAY OPERATING INCOME, GENERAL RAILROAD CONTINGENT FUND

Returns of carriers.—On January 25, 1930, we issued a general order requiring all carriers subject to section 15a of the act to re-

port the amount of recapturable excess income for the year 1929. In response to this and similar orders covering prior years carriers have filed reports showing the following results with respect to excess net railway operating income subject to the recapture provisions of the section:

Period	Number of reports	Number of reports in which excess income is reported	Total amount of excess income reported
Applicable period, 1920.....	993	34	\$2, 505, 006. 03
Calendar year:			
1921.....	975	27	458, 535. 72
1922.....	931	50	1, 865, 824. 63
1923.....	902	52	6, 902, 308. 83
1924.....	898	23	1, 194, 873. 98
1925.....	893	31	2, 401, 883. 96
1926.....	881	23	1, 091, 678. 42
1927.....	869	10	177, 566. 32
1928.....	838	19	1, 111, 613. 54
1929.....	784	27	5, 378, 101. 20
Total excess.....			23, 087, 392. 63

Many of the reports filed include groups of carriers claimed by respondents to have been under common control and management and operated as single systems within the provisions of paragraph (6) of section 15a. The question of grouping into systems is being reserved for disposition in proceedings had for the determination of the amount of liability in individual cases, and several decisions may be anticipated on the subject in the coming year.

Applicability to electric railways.—In our last report we stated that 146 electric railways either claimed exemption or expressed doubt as to their status under this section. This number has been reduced to 119. Further proceedings will be instituted as may be necessary in individual cases supplementing or applying the principles announced in *Application of Section 15a to Electric Rys.*, 86 I. C. C. 751.

Payments into fund.—During the year 13 carriers paid to us the total sum of \$2,042,484.65, as one-half of their excess income preliminarily computed by them for the several recapture periods. Added to the \$8,607,128.51 paid prior to November 1, 1929, this sum makes the total of such payments \$10,649,613.16. As stated in our previous reports, the bulk of these payments has been made under formal protests and reservations. Consequently the general railroad contingent fund, created by paragraphs (6) and (10) of the section, which is composed in part of such payments, has not been available for the purposes contemplated by the statute.

Contingent fund moneys continue to be held in the Treasury of the United States as a trust fund for investment in obligations of the United States. The present status of the fund is as follows:

Payments by carriers of excess income.....	\$10, 649, 613. 16
Payments by carriers of interest on overdue payments.....	38, 840. 37
Interest from investments in obligations of the United States--	2, 007, 442. 87
Interest from bank balances.....	2, 062. 30

Total credits to the general railroad contingent fund----	12, 697, 958. 70
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In addition to the foregoing payments, there have been pledged under funding agreements, \$1,200,000 of railroad securities, \$250,000 of industrial bonds, and \$29,300 in cash, held by the Treasurer of the United States and other authorized depositories for safekeeping subject to our order, as part security for estimated excess earnings.

The following obligations of the United States are held for account of the fund:

United States Treasury 4 per cent bonds of 1944-1954.....	\$3, 630, 000
United States 4½ per cent fourth Liberty loan bonds of 1933-1938---	8, 814, 600

Total face amount.....	12, 444, 600
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A list of carriers which made payments to us during the year on account of excess net railway operating income, showing the amounts paid by each, will be found in Appendix F.

Income examinations.—Our bureau of accounts during the year made 565 examinations of the accounts of steam railroads for the purpose of determining correct net railway operating income, bringing the total number of examinations thus far made for all recapture periods from 1920 to 1929 to 3,698. In 2,346 cases the net railway operating income has been reported by the bureau. In 1,390 of these cases the figures stated by the carriers have been increased \$34,430,718.59, and reduced \$26,954,425.42 in 691 cases. In 265 cases the carriers' figures were not changed by our examinations. In 1,150 cases final reports have not been made, but the net railway operating income has been tentatively determined with the result that in 751 cases an increase of \$97,928,482.31 is indicated, and in 361 cases, a decrease of \$52,403,492.07. In 38 cases the carriers' figures are not changed. Combining the results set forth in final reports with the tentative determinations, our accounting examinations result in increasing the net railway operating income \$132,359,200.90 in 2,141 cases, and decreasing it \$79,357,917.49, in 1,052, a total net increase of \$53,001,283.41. The foregoing figures do not include the results of 202 recently completed examinations which have not been received from our field offices.

Other adjustments recommended by our bureau of finance involve the sum of \$12,622,411.84. They have been made in the case of 134 carriers after examinations had been concluded in those cases by our bureau of accounts, and consequently do not include any adjustments resulting from violations of our accounting regulations. They consist of proposed adjustments for undermaintenance during Federal control applicable to periods involved under this section; excess charges resulting from the application of materials and supplies returned by the director general; estimates of unaudited items in excess of amounts required and other charges against net railway operating income which are considered unreasonable although not improperly included under our accounting regulations.

Valuation.—During the year a large force of engineers, accountants, and land appraisers of our bureau of valuation was engaged in collecting new data as well as the verification and audit of reports received from the carrier. The engineering, accounting, and land data were collected and correlated into valuation chapters for 75 recapture reports roughly estimated to involve recapturable excess net railway operating income of \$62,060,500. The bureau has also concluded its evidence on all subjects in 32 recapture hearings involving approximately \$82,281,000 recapturable excess net railway operating income. In addition substantial progress has been made in a number of other cases.

Proceedings during year.—During the course of the year just past we instituted a change in recapture procedure. Formerly a case was set down for hearing on the returns of the carrier showing property value, net railway operating income, and excess income for each year, and after the taking of testimony an examiner's proposed report was issued to which the parties were permitted to file exceptions. After a consideration of these exceptions it was contemplated that a final report would issue. Thirty-seven cases have been handled in this way, although only one has reached the final-report stage. This procedure, however, was found to be unsatisfactory and in lieu thereof we have substituted a new one modeled after the valuation procedure prescribed in section 19a. Proceedings are now initiated by a tentative recapture report setting forth the results of our ex parte investigation into the subjects of value, income, and resultant recapture liability, which is served on the carrier and other interested parties and becomes a final determination if no protest is filed within a specified time. If a protest is filed, a hearing is had, briefs filed, followed by oral argument when requested, and by a final report.

During the year hearings were completed under the old procedure in 27 cases involving approximately \$30,000,000 recapturable excess

income. Under the new procedure 12 tentative reports were served involving recapturable income aggregating \$3,183,852.22. In addition, 42 tentative reports have been completed or substantially completed involving approximately \$43,000,000 recapturable excess income.

In our last annual report we estimated that under the present system of quasi-judicial hearing procedure a minimum of six years would be required to dispose of the arrearage of recapture work for the years 1920-1928, and even then the work would hardly be current owing to accumulations during the interval. Anticipated difficulties in regard to the determination of property value, always regarded as the factor limiting progress in the recovery of excess income, were largely responsible for this unfavorable estimate. The actual experience of the past year, however, has indicated that the arrearage may be disposed of in a much shorter length of time. The bringing of the primary or basic valuations down to date for recapture purposes is being accomplished in a small fractional part of the time required in the original undertaking. Even better results may confidently be expected once judicial review is secured on the many unsettled questions of principle, and the day seems much nearer when this phase of our activities may be placed upon an ordinary routine basis.

In a special report, dated May 17, 1930, to the Senate Committee on Interstate Commerce upon a bill proposing to amend section 15a of the interstate commerce act we had the following to say in regard to the recapture provisions:

Undoubtedly the present recapture provisions are open to serious objections. The general railroad contingent fund created by those provisions now amounts to more than \$10,000,000, but it is not as yet available for the purposes contemplated by the statute, for the bulk of the payments have been made under formal protests and reservations. These are dependent upon a determination of the questions which have arisen in regard to valuation. It was hoped that these questions would be determined by the Supreme Court in the *O'Fallon Case* (279 U. S. 461), but, as pointed out in our letter to you of January 20, that decision was in many respects inconclusive.

However, even if the general railroad contingent fund were available for use, there is serious question as to how useful it would be under the present provisions of section 15a. As the law now stands, the fund can be used for two purposes only, either to make "loans to carriers to meet expenditures for capital account or to refund maturing securities originally issued for capital account," or to purchase transportation equipment and facilities which may be leased to the carriers. Any loans made from the fund must bear interest at the rate of 6 per cent per annum, and before making a loan we must find that the "prospective earning power of the applicant and the character and value of the security offered are such as to furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor, and to

meet its other obligations in connection with such loan." We must further prescribe the security to be furnished, "which shall be adequate to secure the loan." There are similar provisions in the case of a lease of equipment or facilities purchased with the fund. The rental charges provided in every such lease must be "at least sufficient to pay a return of 6 per cent per annum plus allowance for depreciation determined as provided in paragraph (5) of section 20 of the Act, upon the value of the equipment or facilities leased thereunder."

These provisions are similar to those contained in section 210 of the Transportation Act, 1920, under which, during a short period following the end of Federal control, we made loans to the carriers from the \$300,000,000 fund created by that act; but they are more stringent, because section 210 did not provide that the security "shall be adequate to secure the loan." Moreover, the financial conditions prevailing immediately after Federal control were quite different from those which prevail to-day. The cost of money was much higher then than now, so that the opportunity to secure loans on a 6 per cent basis was attractive even to carriers of normally excellent credit. Many loans, indeed, were made from the \$300,000,000 fund to such carriers. At the present time 6 per cent money is far less attractive, and the chances are good that any carrier which can furnish security "adequate to secure the loan" and justify a finding by us that its prospective earning power coupled with the security offered furnish reasonable assurance of its ability to repay and meet all obligations connected with the loan, can obtain funds on better than a 6 per cent basis from private sources.

And even if it be assumed that there are some carriers which are unable to obtain money on as favorable a basis from private sources but which are nevertheless able to satisfy the rather stringent requirements which the statute makes a condition precedent to a loan or lease from the general railroad contingent fund, at best the opportunity thus afforded is only an opportunity to incur debt at 6 per cent interest. It is not in the nature of positive and direct financial relief to needy short and weak lines.

Later in this special report, after stating that the "present recapture provisions are plainly in need of amendment for the reasons already indicated," we said:

As the law now stands the general railroad contingent fund is likely to be of very little use. The late Senator Cummins incorporated a plan to provide for the direct distribution of the recaptured funds among the weaker carriers in a bill, S. 1870, which he introduced in the 69th Congress. A vital objection to such a plan, as we see it, is that it would require the Commission to make a continual quasi-audit of the accounts of *all* of the carriers, a very laborious, expensive, and time-consuming undertaking. This would be necessary in order to provide for an equitable distribution in proportion to earnings, and to make sure what those earnings were and whether they were affected by obvious waste or inefficiency in management. Moreover, the distribution would be among so many carriers that the actual relief afforded probably would not be of great consequence.

For these reasons, we have thought it best, in preparing the suggested alternative, to follow the same general plan as is followed in the present law, but to liberalize the provisions in important respects.

So far as the use of the recaptured funds is concerned, our proposed alternative amendment contained provisions whose intended effect we stated :

In the case of loans made to carriers from the general railroad contingent fund, our alternative eliminates the provision in the present law requiring adequate security, and it authorizes the Commission to provide for interest payments varying with the amount of the carrier's net railway operating income, which in no case shall be at a higher rate than 6 per cent and under certain income conditions may be at a lower rate. Such a provision might be of great help to weak and struggling carriers. We would still be required to find that there is reasonable prospect that the carrier will be able to pay the interest and repay the loan, and authorized to fix terms and conditions, including security. This was all that was required by section 210, under which loans were made to the carriers following the end of Federal control.

The present law authorizes the Commission to use the general railroad contingent fund to purchase the "equipment or facilities," and to lease such property to carriers at a rental of 6 per cent per annum. Our alternative would authorize the Commission to provide for a rental varying with the net railway operating income of the carriers, as in the case of the interest payments on loans.

While the same uses for the general railroad contingent fund are specified as in the present law, with the modifications above indicated, our alternative contains a further general provision that the half of the excess income which the carrier holds as trustee for, and pays to, the United States shall be thus held and paid "for such uses and purposes as are herein specified or may hereafter be declared by law." This provision will remove any doubt as to the power of Congress to provide new uses for the fund, if that should hereafter be desirable.

In concluding our discussion of the recapture provisions, however, we called the attention of the Senate Committee to certain dangers in the present situation, in the following language :

In connection with any recapture of excess earnings, whether under the present law or under any amendment thereof, we think that Congress ought to be informed that there are certain difficulties and dangers which offer some considerable menace to the public interest. Recapture is an undertaking which involves great labor and expence, both to the carriers and to the government. But more important is the fact that it invites, far more than does the regulation of rates, litigation upon the part of the carriers. This invitation is accentuated by the fact that owing to litigation which has already occurred, the process of recapture has been greatly delayed, so that recovery would in a considerable number of cases involve the earnings of several years and the payment of very substantial amounts which it would tax the credit of the carriers to provide. It must be borne in mind that such excess earnings of the past do not now exist, in many instances, in the form of cash in the carrier's treasury, but have been invested in whole or in part in carrier property. Payment of recapturable funds would, therefore, involve to a considerable extent the issue of securities for the purpose of reimbursing carriers treasuries.

Under such circumstances, it may be taken as certain that the carriers will resist recapture to the extent of their ability, and that much litigation will ensue. Under all the attendant circumstances the result may be the establishment in these cases of certain principles of valuation and the like which may have an unfavorable reaction on many broader phases of public regulation, such as the regulation of rates. Whether or not it is wise, all things considered, to retain in the law the plan of recapturing excess earnings is, therefore, a debatable question which merits serious consideration.

The constitutionality of the recapture provisions has been sustained. *Dayton-Goose Creek Ry. v. United States*, 263 U. S. 456. They are a wholly logical part of the plan for regulating the general rate level adopted in section 15a. As the Supreme Court said in the case cited, at page 485:

The combination of uniform rates with the recapture clauses is necessary to a better development of the country's interstate transportation system as Congress has planned it. The control of the excess profit due to the level of the whole body of rates is the heart of the plan.

At another place (p. 480) in the same opinion the recapture clauses were referred to as the "key provision of the whole plan."

But while logical the recapture provisions are open to serious practical objections. It is difficult to make the fund really useful after it has been recaptured. As stated in our special report to the Senate committee, above quoted, the fund will be well nigh useless under the existing provisions of section 15a which govern its use. And even if the amendments which we there suggested should be adopted, it is questionable whether the situation would be very greatly improved. It may be that better amendments can be devised, but clearly the problem of putting this fund to good use is not an easy one to solve.

More important than this objection are the difficulties and dangers attendant upon the collection of the fund. As we indicated in our special report to the Senate committee, the possibilities of litigation are almost without limit. The valuations incident to recapture will alone provide a sufficiently fertile field, but further wide opportunities for litigation will be furnished by accounting regulations and administrative attempts to disallow, in computing excess income, extravagant or wasteful expenditures. Upon our part the determination of all these highly controversial questions requires elaborate and expensive research into accounts and records and the taking of evidence and the hearing of argument in prolonged proceedings of a quasi-judicial character. After we have made our decisions, and in the probable event of appeal, similar ground must be covered again, to some considerable extent at least, in the courts.

Not only is such procedure very expensive to the Government and to the carriers, whose funds are derived from the public, but

it also involves, we fear, other dangers to the public interest. To state the matter baldly and frankly, litigation over questions of valuation, accounting, and administration will arise in cases where the basic issue is whether or not, or to what extent, money shall be taken from carriers by the Government and possibly, in some instances, under financially embarrassing conditions. The unconscious influence of the surrounding circumstances is not unlikely to be such that the result will be to establish, in the course of this litigation, certain principles relative to valuation and the like which will have an unfavorable reaction on many broader phases of public regulation.

We are inclined to the opinion that these practical objections outweigh the theoretical advantages of recapture, and that the wiser course to pursue is to repeal the recapture provisions in their entirety, rather than attempt to improve them by amendment. Certainly this is a matter which is deserving of the most careful consideration by the Congress.

One difficulty with repeal is that the question will not stop there. From the beginning recapture has been linked in thought and theory with the other provisions of section 15a. This interconnection was emphasized by the Supreme Court. If the recapture provisions are repealed, the question will inevitably arise whether all of section 15a ought not be repealed, or at least superseded by some different statutory provision having a like fundamental purpose. Various suggestions along these lines have already emanated from responsible sources. This far-reaching question the Congress must also consider.

REPARATION

In our thirty-third annual report (1919) we discussed our powers and duties under the act in respect of reparation awards and recommended that the law be so amended as affirmatively to recognize that private damages do not necessarily follow a violation of the act; and to provide that sections 8, 9, and 16 of the act shall be construed to mean that no person is entitled to reparation except to the extent that he shows by proper evidence that he has suffered damage. Our recommendations were repeated in our thirty-fourth annual report (1920), but Congress has not legislated upon the subject.

In 1906 we were first given power to prescribe a reasonable maximum rate for the future. Ideas as to reparation and the showing prerequisite to an award of damages have been substantially modified in recent years.

Such awards may be based on violations of some of several sections of the act: (1) The exaction of an unreasonable rate, prohibited by

section 1; (2) personal discriminations, prohibited by section 2; ✓ (3) subjection to undue preference or prejudice in violation of section 3; (4) the charging of rates which violate the long-and-short-haul or aggregate-of-intermediates principles of section 4. These acts are unlawful. In addition, the exaction of charges exceeding those named in the published and filed schedules is illegal under section 6. The liability of the carrier to the person injured "for the full amount of damages sustained in consequence of any such violation of the provisions of this act" is declared in section 8, and the manner of enforcement is prescribed in sections 9 and 16 of the act.

In *Pennsylvania R. R. Co. v. International Coal Co.*, 230 U. S. 184, decided June 9, 1913, the Supreme Court held that in a discrimination case the damage to complainant, if any, may be exactly ✓ equal to the difference between the rates paid by the complainant and those paid by his competitor, but might be more or substantially less; but whatever it is, he must prove his damage with the same degree of certainty that would justify a judgment in court. We have followed that rule in discrimination cases under section 2, undue preference and undue prejudice cases under section 3, and violations of the long-and-short-haul clause of section 4. With respect to claims for reparation because of the payment of a rate that is unreasonable the general rule followed was that the measure of damages is the difference between the rate paid and that which would have been paid under what we find to have been a reasonable rate.

Following the rule laid down by the Supreme Court in *Southern Pacific Co. v. Darnell-Taenzer Lumber Co.*, 245 U. S. 531, decided January 21, 1918, we have declined to go beyond the parties to the transportation contract in an effort to prove or disprove that the complainant was damaged. There are many who argue that this policy is erroneous, and that with regard to proof of damage there is and should be no distinction between the rule announced by the court in the *International Coal Mining Company case*, *supra*, for discrimination cases and a case in which the rate is attacked as unreasonable.

Prior to the pronouncement of the Darnell-Taenzer we had held that the party entitled to recover is he who has either by himself ✓ or by another paid and borne the freight charges for the transportation service, irrespective of the title to the property, and that the ultimate test as to who shall recover was the bearing of the freight charges for the transportation service; and, as we have seen, this may be either the consignor or the consignee, or another party, even though not disclosed at the time the shipment was made. Re-examination of the question caused us to conclude that under the *Darnell-Taenzer case* we were not as a matter of law permitted to

confine awards of reparation to parties who actually bore the freight charges as such; but that damages accrued to a consignor or consignee who had paid the charges found to have been unreasonable in the amount of the difference between the charges paid and those which would have accrued on the lower basis which we found to be reasonable. Four commissioners dissented to the pronouncement of this new doctrine. *Missouri Portland Cement Company v. Director General*, 88 I. C. C. 492. We have consistently followed that doctrine but not without vigorous dissents. The Federal district courts have conflicting opinions on the question. Compare *Consolidated Cut Stone Company v. A., T. & S. F. Ry. Co.*, 39 F. (2d) 661; *Illinois Central Railroad Co. v. Vest*, 39 F. (2d) 658; contra, *Adams v. Mellon*, 39 Fed. (2d) 80.

Since the effective date of the transportation act, 1920, we have issued reports in 9,231 rate cases. Reparation was sought in 6,367 cases, or 69 per cent of all cases in which matters affecting the rate structure were considered. The amounts of reparation sought and awarded have increased year by year during that period. In a large proportion of the cases the amounts involved are small, and no question of particular public interest is involved. Our awards have amounted to approximately \$4,000,000 per year, including the waiver of the collection of outstanding undercharges. During the reporting year we issued orders upon 10,656 special docket applications in amounts totaling \$1,804,780.56. These orders also waived collection of outstanding undercharges amounting to \$592,094.85.)

The increased number and complexity of these so-called reparation cases have so encroached upon our time and energies as to deprive us of adequate time for the thorough consideration of the many larger and more important problems continually coming before us. Some contributing causes for these reparation complaints were said in our first-mentioned report (1916) to be that—

During somewhat recent years numerous agencies have been established in different parts of the country whose principal or sole business is to secure from shippers or consignees their paid freight bills and power of attorney to bring complaints in the name of the one from whom such bills are secured. Usually an agreement is entered into that whatever reparation is recovered will be divided on a percentage basis, but in some instances expense bills are purchased outright for insignificant sums. Wherever it is thought that there is any prospect of securing an award of reparation, complaint is brought before the Commission, which necessitates hearing, decision, and preparation and printing of a report. The number of such cases is very large, and it is undoubtedly true that if it were not for the hope of securing reparation a majority of the complaints filed would not be presented.

* * * There is ample reason to believe that parties who may be affected by the decision in a case purposely refrain from intervening therein with the full expectation of bringing another complaint in the event that decision of

the pending case affords ground or opportunity for attacking some rate or adjustment that is not at issue in the pending case. Frequently carriers refrain from intervening in cases in which any decision other than dismissal of the complaint will necessarily affect their interests and then petition for rehearing on the ground that their interests are involved and affected and they have not been heard.

The practices to which we there referred have not diminished but have greatly increased. These and many other questionable practices are often resorted to.

Another growing class of complaints is found in those involving the applicability of the rates filed pursuant to section 6 of the act, wherein a refund of alleged overcharges is sought. These cases are extremely technical in character, and although many prove to be without substantial merit, all require consideration.

The burden of reparation cases has become heavy and some measure of relief is required in the public interest.

When the interstate commerce act was passed, we were given no power to prescribe rates for the future as we now have under the amendments of 1906, and it was therefore entirely reasonable that parties who could not secure in advance reasonable rates for prospective shipments should have a considerable length of time after their shipments moved and the unreasonable charges had been paid within which to file complaints for reparation.

At present the cause of action accrues upon delivery or tender of delivery of the property by the carrier and, with certain exceptions, complaints must be filed within two years thereafter, except for overcharges, for which the period is three years. But now that we have been granted quasi-legislative power to prescribe just and reasonable rates for the future, and the rate structure of the country is so largely that which has come out of many formal proceedings before us, over a long period of years, we are of the opinion that these statutory periods should be substantially reduced. We therefore recommend that the act be amended so as to (1) restrict our power to award reparation under the first four sections thereof to the period commencing 90 days prior to the date on which the complaint is filed, and (2) to the period of six months prior to the filing of the complaint in the case of overcharges under section 6; recommendations (1) and (2) to be subject to the existing exceptions stated in paragraphs (3) (c) and (3) (d) of section 16 of the act, modified to conform with these recommendations. Actions by carriers for the collection of undercharges should also be limited to a period of six months from the time the cause of action accrues.

DELEGATION OF AUTHORITY

In our last annual report we expressed the view that "For a more prompt disposition of matters intrusted to us there should be express statutory authority for the commission to delegate to individual commissioners and employees of the commission the power to perform specified duties and to consider and determine specified matters and subjects, subject to the general control and supervision of the commission, and the exercise by it of appropriate powers of review either through the commission or a division thereof." A similar recommendation was made in 1928.

The members of the commission are now required to pass personally upon a great number of matters which are of relatively small importance but yet can not be disposed of as a matter of routine. Illustrations are the numerous formal complaints with respect to the proper interpretation of railroad tariffs, misrouting, demurrage charges, and the like, or seeking reparation on a few shipments of freight, or of such a character that the parties agree to have them tried, without the taking of oral testimony at a public hearing, under what we term the shortened procedure. As a matter of good organization many such matters could with advantage be delegated to boards of experienced men selected from our staff and duly constituted by us, for decision in the first instance. Some might advantageously be disposed of by a single commissioner. Such decisions would be subject to the usual right of parties to file petitions for rehearing or reconsideration, to be passed upon by a division of the commission, with the right of reconsideration by the commission; and if such a petition were granted, further proceedings would be before a division or the commission.

Such authority to delegate work would have the following beneficial results:

- (1) Enable the commissioners to devote more time and attention to the matters of major importance.
- (2) Expedite the handling of the commission's work generally.
- (3) Permit greater opportunity for oral argument of the cases of lesser importance before the body rendering decision in the first instance.

It was not our intention, under this power, to delegate in this way to individual commissioners or to boards of employees the decision of matters of any considerable importance, except perhaps in the event of some emergency. It is difficult to devise satisfactory limitations of the power; but should broad power be conferred without definite limitations, experience will show that such discretion is not likely to be abused, and that the right of appeal to the commission for rehearing or review will be an adequate safeguard.

The recommendation in its broad form to some extent excited fear on the part of both shippers and carriers that issues of substantial importance would be delegated to employees without adequate opportunity for securing a review by the commission. While we would prefer to have the unrestricted power of delegation which we recommend, if it is thought wise to limit it for the present, we are not disposed to object. Even limited power of this character will considerably help the conduct of our work.

A limitation which we suggested in a special report to the House Committee on Interstate and Foreign Commerce was as follows:

provided, however, that this authority shall not extend to investigations instituted upon the commission's own motion nor, without the consent of the parties thereto, to contested proceedings involving the taking of testimony at public hearings.

General investigations instituted upon our own motion are almost always proceedings of considerable importance and therefore should not be delegated. Contested proceedings tried at public hearings where oral testimony is taken are likely to be of considerable importance, and under the suggested proviso could not be delegated without the consent of the parties thereto. In many cases there would be such delegation, especially after the plan of delegating work has been put to the test of actual experience. On the other hand, cases where the parties agree to trial without public hearings under the so-called shortened procedure are usually of minor importance, and the power of delegation as to these should be unrestricted.

So limited, and with a clear right to present a petition for rehearing, reargument, or reconsideration to a division of the commission and finally to the commission itself, no reasonable objection can be offered to the proposed legislation. The matter is of importance, and should receive prompt consideration by the Congress.

RECOMMENDATIONS

For the reasons stated in this report and in former reports we recommend—

1. That section 1 of the interstate commerce act be amended to provide for the punishment of any person offering or giving to an employee of a carrier subject to the act any money or thing of value with intent to influence his action or decision with respect to car service, and to provide also for the punishment of the guilty employee.

2. That, subject to appropriate exceptions, the use of steel or steel underframe cars in passenger-train service be required, and

the use in passenger trains of wooden cars between or in front of steel or steel underframe cars be prohibited.

3. That the so-called recapture clauses of section 15a of the interstate commerce act and the provision in that section for a general railroad contingent fund be repealed. As indicated in our previous discussion, the consideration of such a change in the law will probably involve the consideration of other changes in section 15a or its possible elimination. In this connection reference is made to our report dated May 17, 1930, to the chairman of the Committee on Interstate Commerce on S. 4005, Seventy-first Congress, second session. In that report we recommended changes in the method of ascertaining the aggregate rate base or bases and fair return to be used in administering the provisions of section 15a with respect to the regulation of railroad rates, fares, and charges. We also favored the repeal of section 5 (6) (b) and of section 19a (f) of the interstate commerce act.

4. That section 19 of the merchant marine act, 1920, be amended so that its provisions will clearly not be applicable to the Interstate Commerce Commission; that section 27 of this act be reconsidered by the Congress in the light of our forty-first annual report; and that section 28 of this act be reconsidered by the Congress in the light of the circumstances set forth in the chapter on the effect of this statute appearing at pages 13 and 14 of our thirty-fifth annual report to the Congress. In this connection reference is made to our report dated June 29, 1922, to the chairman of the Committee on Interstate and Foreign Commerce on H. R. 12021, Sixty-seventh Congress, second session.

5. That section 17 of the interstate commerce act be amended so that the commission may be authorized to delegate to individual commissioners and employees the power to perform specified duties and to consider and determine specified matters, subject to the limitations and conditions suggested in our report dated April 25, 1930, to the chairman of the Committee on Interstate and Foreign Commerce on H. R. 11363, Seventy-first Congress, second session.

6. That the present exemption provisions of paragraph (22) of section 1, paragraph (1) of section 15a, and paragraph (1) of section 20a, applicable to electric railways, be amended by substituting provisions exempting all electric railways except such as interchange standard freight equipment with steam railways and participate in through interstate freight rates with such carriers, provision to be made for exemption of particular electric railways falling within the excepted class, if upon application they are able to show to the satisfaction of the commission, after notice and opportunity to be heard, that they are not affected with an important national interest so far as the provisions in question are concerned.

7. That sections 10 (1) and 20 (7) of the act be amended so as to make them apply specifically to independent contractors and their officers and agents.

8. That consideration be given by the Congress, in the light of such facts as may be disclosed by the investigation of the Committee on Interstate and Foreign Commerce which is now in progress, to possible legislation providing for public regulation in certain respects of so-called holding companies which may or do control carriers by railroad subject to our jurisdiction.

9. That paragraph (4) of section 15 be amended so as to restrict the "long-haul right" to originating carriers.

10. That the act be amended so as to require that the rates and practices of forwarding companies engaged in interstate commerce shall be reasonable and nonprejudicial; to require such companies to file with us and strictly observe their published schedules of rates and charges; and to provide penalties for departures therefrom or for the granting of concessions or rebates by means of any device whatsoever to any shipper, and make the administrative provisions of the act applicable for the enforcement of the duties so imposed.

11. That paragraphs (3) (a), (b), and (c) of section 16 of the act be amended so as to provide that all actions at law by carriers for recovery of their charges shall be begun within six months (instead of within three years, as now provided) from the time the cause of action accrues; that all actions at law for the recovery of overcharges shall be begun or complaint filed with us within six months (instead of three years) from the time the cause of action accrues, except that if claim for the overcharges has been presented in writing to the carrier within the 6-month period of limitation said period shall be extended to include 90 days from the time notice in writing is given by the carrier to the claimant of disallowance of the claim or any part or parts thereof specified in the notice; and that all complaints against carriers for the recovery of damages not based on overcharges shall be filed with us within 90 days from the time the cause of action accrues subject to subdivision (d). That paragraph (3) (d) of section 16 be amended so as to provide that if on or before the expiration of the 90-day period of limitation in subdivision (b) or of the 6-month period of limitation in subdivision (c) a carrier subject to the act begins action under subdivision (a) for recovery of charges in respect of the same transportation service or, without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include 90 days from the time such action is begun or such charges are collected by the carrier.

We again recommend consideration of amendment to section 8 of the act, as to awards of damages, in the light of the discussion in our previous reports referred to herein.

STATEMENT OF APPROPRIATIONS AND EXPENDITURES FOR THE FISCAL YEAR ENDED JUNE 30, 1930

An act making appropriations for the executive, etc.,
approved Feb. 20, 1929:

For salaries of commissioners-----	\$132, 000. 00	
For salary of secretary-----	9, 000. 00	
		\$141, 000. 00

For all other authorized expenditures necessary in the execution of laws to regulate commerce, including 1 chief counsel, 1 director of finance, and 1 director of traffic, at \$10,000 each per annum:

General-----	2, 887, 000. 00
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To enable the Interstate Commerce Commission to enforce compliance with section 20, and other sections of the act to regulate commerce as amended by the act approved June 29, 1906, and as amended by the transportation act, 1920, including the employment of necessary special accounting agents or examiners:

Accounts-----	1, 407, 825. 00
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To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with acts to promote the safety of employees and travelers upon railroads; the act requiring common carriers to make reports of accidents and authorizing investigations thereof; and to enable the Interstate Commerce Commission to investigate and test appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906, and the provision of the sundry civil act approved May 27, 1908, to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation, inspectors, and for traveling expenses, together with \$21,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1928:

Safety-----	\$504, 000. 00	
Reappropriated from fiscal year 1928-----	21, 000. 00	
		525, 000. 00

For all authorized expenditures under section 26 of the act to regulate commerce as amended by the transportation act, 1920, with respect to the provision thereof under which carriers by railroad subject to the act may be required to install automatic train-stop or train-control devices, which comply with specifications and requirements prescribed by the commission, including investigations and tests pertaining to block-signal and train-control systems, as authorized by the joint resolution approved June 30, 1906, and including the employment of the necessary engineers, not to exceed \$48,000 of the unexpended balances of the appropriations for this purpose for the fiscal years 1928 and 1929 is reappropriated:

Signal and train-control devices—	
Reappropriated from fiscal year 1929-----	48, 000. 00

For all authorized expenditures under the provisions of the act of Feb. 17, 1911, "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," as amended by the act of Mar. 4, 1915, extending "the same powers and duties with respect to all parts and appurtenances of the locomotive and tender," and amendment of June 7, 1924, providing for the appointment from time to time by the Interstate Commerce Commission of not more than 15 inspectors in addition to the number authorized in the first paragraph of section 4 of the act of 1911, and the amendment of June 27, 1930, including such legal, technical, stenographic, and clerical help as the business of the offices of the chief inspector and his two assistants may require, together with \$31,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1928:

Locomotive inspection.....	\$459, 000. 00	
Reappropriated from fiscal year 1928.....	31, 000. 00	
		<hr/> \$490, 000. 00

Valuation of property of carriers: To enable the Interstate Commerce Commission to carry out the objects of the act entitled "An act to amend an act entitled 'An act to regulate commerce' approved Feb. 4, 1887, and all acts amendatory thereof," by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities, approved Mar. 1, 1913, including 1 director of valuation at \$10,000 per annum, 1 supervisor of land appraisals, one supervising engineer, 1 supervisor of accounts, and 1 principal valuation examiner at \$9,000 each per annum, together with \$497,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1928:

Valuation	2, 043, 000. 00	
Reappropriated, pursuant to above from fiscal year 1928.....	496, 000. 00	
		<hr/> 2, 539, 000. 00

For all printing and binding for the Interstate Commerce Commission, including reports in all cases proposing general changes in transportation rates and not to exceed \$10,000 to print and furnish to the States at cost report form blanks, and the receipts from such reports and blanks shall be credited to this appropriation, together

with \$68,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1928: *Provided*, That no part of this sum shall be expended for printing the Schedule of Sailings required by section 25 of the interstate commerce act:

Printing and binding-----	\$107,000.00	
Reappropriated from fiscal year 1928-----	68,000.00	\$175,000.00
		<hr/>
Total -----		8,212,825.00
		<hr/>

Amount expended under appropriations for the fiscal year ended June 30, 1930:

As salaries for commissioners and secretary----	138,733.33
General-----	2,830,858.21
Accounts-----	1,407,645.34
Safety-----	517,660.27
Signals and train-control devices-----	40,263.19
Locomotive inspection-----	482,491.19
Valuation-----	2,534,978.57
Printing and binding-----	172,146.28
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Total----- 8,124,776.38

Unexpended balances of appropriations:

As salaries for commissioners and secretary----	2,266.67
General-----	56,141.79
Accounts-----	179.66
Safety-----	7,339.73
Signals and train-control devices-----	7,736.81
Locomotive inspection-----	7,508.81
Valuation-----	4,021.43
Printing and binding-----	2,853.72
	<hr/>

88,048.62

Total----- 8,212,825.00

FRANK McMANAMY, *Chairman*.

BALTHASAR H. MEYER.

CLYDE B. AITCHISON.

JOSEPH B. EASTMAN.

ERNEST I. LEWIS.

EZRA BRAINERD, Jr.

CLAUDE R. PORTER.

PATRICK J. FARRELL.

WILLIAM E. LEE.

HUGH M. TATE.

CHARLES D. MAHAFFIE.

APPENDIX A

INDICTMENTS RETURNED, INFORMATIONS, COMPLAINTS, AND PETITIONS FILED, AND CASES CONCLUDED

Summary of indictments returned and informations, complaints, and petitions filed between November 1, 1929, and October 31, 1930, inclusive, for violations of the interstate commerce, Elkins, transportation of explosives, and Clayton Acts.

Summary of cases arising from violations of the above acts concluded between November 1, 1929, and October 31, 1930, inclusive, and sentences imposed.

**SUMMARY OF INDICTMENTS RETURNED AND INFORMATIONS,
COMPLAINTS, AND PETITIONS FILED IN UNITED STATES DIS-
TRICT COURTS BETWEEN NOVEMBER 1, 1929, AND OCTOBER 31,
1930, INCLUSIVE**

United States *v.* Samuel Aaron, Eastern District of Pennsylvania. June 4, 1930, indictment charging the filing of false claims; 2 counts.

United States *v.* Atlas Metal Company, Northern District of Ohio. June 25, 1930, indictment charging false billing; 25 counts.

United States *v.* Walter Baker, Eastern District of Kentucky. March 10, 1930, indictment charging unlawful use of pass; 1 count.

United States *v.* Baltimore & Ohio Railroad Company, District of Maryland. March 14, 1930, indictment charging the granting of concessions; 8 counts.

United States *v.* Robert Berman, Northern District of Alabama. February 6, 1930, indictment charging false billing; 10 counts.

United States *v.* Chicago, North Shore & Milwaukee Railroad Company, Northern District of Illinois. October 3, 1930, petition seeking injunction to compel compliance with section 20a of the interstate commerce act.

United States *v.* Clotho Fruit Co., Inc., and J. A. Horner, Southern District of California. November 19, 1929, indictment charging false billing; 13 counts.

United States *v.* The William Connors Paint & Manufacturing Company, District of Massachusetts. December 9, 1929, indictment charging acceptance of concessions; 10 counts.

United States *v.* Delaware, Lackawanna & Western Railroad Company, District of New Jersey. January 28, 1930, indictment charging the granting of concessions; 7 counts.

United States *v.* Stanley Doggett, Inc., District of Massachusetts. December 9, 1929, indictment charging acceptance of concessions; 7 counts.

United States *v.* Elgin, Joliet & Eastern Railway Company, Northern District of Illinois. June 19, 1930, petition seeking writ of mandamus to compel compliance with section 1 (8) of the interstate commerce act.

United States *v.* Ralph Evzer and Mike Brownstein, Northern District of Ohio. September 24, 1930, indictment charging unlawful use of pass; 1 count.

United States *v.* Joseph A. Fisher, Middle District of Pennsylvania. May 2, 1930, indictment charging the granting of concessions; 2 counts.

United States *v.* Charles Johnson, Eastern District of Virginia. March 22, 1930, information charging unlawful use of pass; 1 count.

United States *v.* Leon Leroy King, Western District of Pennsylvania. January 15, 1930, information charging unlawful use of pass; 1 count.

United States *v.* Guido Kirchetti, Western District of Pennsylvania. February 26, 1930, information charging unlawful use of pass; 1 count.

United States *v.* James Law, District of Wyoming. November 1, 1929, information charging unlawful use of pass; 1 count.

United States *v.* Lehigh Valley Railroad Company, Middle District of Pennsylvania. May 2, 1930, indictment charging the granting of concessions; 2 counts.

United States *v.* A. Lusskin, District of Massachusetts. December 9, 1929, indictment charging acceptance of concessions; 10 counts.

United States *v.* Leonard J. Masino, Northern District of Ohio. March 23, 1930, information charging unlawful use of pass; 1 count.

United States *v.* Lawrence Mezera, Northern District of Ohio. November 19, 1929, information charging unlawful use of pass; 1 count.

United States *v.* Mississippi Eastern Railway Company, Southern District of Mississippi. February 19, 1930, indictment charging acceptance of concessions; 10 counts.

United States *v.* Mississippi Eastern Railway Company, Southern District of Mississippi. February 19, 1930, indictment charging falsification of records kept by a carrier; 5 counts.

United States *v.* National Erection Corporation, Eastern District of Pennsylvania. February 26, 1930, indictment charging acceptance of concessions; 10 counts.

United States *v.* Cecil B. Oates, District of Kansas. July 18, 1930, information charging unlawful use of pass; 1 count.

United States *v.* The Pennsylvania Railroad Company, Eastern District of Pennsylvania. February 26, 1930, indictment charging the granting of concessions, 10 counts; and failure to observe tariffs, 3 counts.

United States *v.* The Pennsylvania Railroad Company, Eastern District of Pennsylvania. February 26, 1930, indictment charging falsification of records kept by a carrier; 10 counts.

United States *v.* Reading Company, Middle District of Pennsylvania. May 2, 1930, indictment charging the granting of concessions: 2 counts.

United States *v.* W. R. Sager, Northern District of Ohio. November 19, 1929, information charging unlawful use of pass; 1 count.

United States *v.* Bryan Thomas and John L. Conley, Northern District of Ohio. March 21, 1930, indictment charging embezzlement of funds of carrier, and aiding and abetting therein; 10 counts.

United States *v.* Bryan Thomas and John L. Conley, Northern District of Ohio. March 21, 1930, indictment charging falsification of records kept by a carrier, and aiding and abetting therein; 10 counts.

United States *v.* John F. Trefney, Northern District of Ohio. November 19, 1929, information charging unlawful use of pass; 1 count.

United States *v.* Union Sulphur Company, District of New Jersey, May 14, 1930, petition seeking injunction to restrain disbursement of funds received from the Brimstone Railroad and Canal Company.

United States *v.* Valley Agricultural Company and L. C. Unger, Southern District of California. April 16, 1930, indictment charging false billing; 20 counts.

United States *v.* Harry E. White and B. B. Cash, Western District of Tennessee. November 4, 1929, indictment charging unlawful use of pass; 1 count.

United States *v.* Rudolph A. Yenkee and Mrs. Georgia Woods, Western District of Pennsylvania. November 22, 1929, information charging unlawful use of pass; 1 count.

United States *v.* Charles Young, Southern District of Ohio. March 24, 1930, information charging unlawful use of pass; 1 count.

**SUMMARY OF CASES CONCLUDED IN UNITED STATES DISTRICT
COURTS BETWEEN NOVEMBER 1, 1929, AND OCTOBER 31, 1930,
INCLUSIVE**

United States *v.* Alabastine Company and H. C. Hamilton, Middle District of Pennsylvania. October 29, 1929, indictment charging acceptance of concessions; 10 counts. March 17, 1930, plea of guilty entered on behalf of Alabastine Company and fine of \$5,000 imposed. Plea of nolo contendere entered on behalf of Hamilton and fine of \$1,000 imposed.

United States *v.* Arkansas Short Line, Eastern District of Arkansas. October 22, 1929, indictment charging engaging in transportation without certificate of public convenience and without having filed tariffs; 10 counts. April 7, 1930, plea of guilty entered and fine of \$500 imposed.

United States *v.* The Armstrong Company and Rex. E. Hall, Middle District of Pennsylvania. October 29, 1929, indictment charging acceptance of concessions; 10 counts. March 17, 1930, plea of guilty entered on behalf of the Armstrong Company and fine of \$5,000 imposed. Plea of nolo contendere entered on behalf of Hall and fine of \$1,000 imposed.

United States *v.* Atchison, Topeka & Santa Fe Railway Company, Northern District of Illinois. May 18, 1929, complaint charging failure to obey commission's order. February 10, 1930, confession of judgment entered and penalty of \$5,000 imposed.

United States *v.* Walter Baker, Eastern District of Kentucky. March 10, 1930, indictment charging unlawful use of pass; 1 count. March 12, 1930, plea of guilty entered and fine of \$100 imposed.

United States *v.* Joseph F. Byrnes, Southern District of Texas. May 16, 1929, indictment charging false billing; 15 counts. December 4, 1929, plea of guilty entered and sentence of one year and one day imprisonment in penitentiary and fine of \$15,000 imposed.

United States *v.* Chicago, Burlington & Quincy Railroad Company, Northern District of Illinois. May 18, 1929, complaint charging failure to obey commission's order. February 10, 1930, confession of judgment entered and penalty of \$5,000 imposed.

United States *v.* Chicago, Rock Island & Pacific Railway Company, Northern District of Illinois. May 18, 1929, complaint charging failure to obey commission's order. February 10, 1930, confession of judgment entered and penalty of \$5,000 imposed.

United States *v.* Clotho Fruit Co., Inc., and J. A. Horner, Southern District of California. November 19, 1929, indictment charging false billing; 13 counts. October 20, 1930, pleas of nolo contendere entered and fine of \$500 imposed upon each defendant.

United States *v.* The William Connors Paint & Manufacturing Company, District of Massachusetts. December 9, 1929, indictment charging acceptance of concessions; 10 counts. April 8, 1930, plea of guilty entered and fine of \$5,000 imposed.

United States *v.* Delaware, Lackawanna & Western Railroad Company, District of New Jersey. January 28, 1930, indictment charging granting concessions; 7 counts. May 13, 1930, plea of guilty entered and fine of \$5,000 imposed.

United States *v.* Detroit, Toledo & Ironton Railroad, Southern District of Ohio. June 8, 1929, indictment charging acceptance of concessions; 25 counts. December 3, 1929, plea of guilty entered and fine of \$25,000 imposed.

United States *v.* Stanley Doggett, Inc., District of Massachusetts. December 9, 1929, indictment charging acceptance of concessions; 7 counts. April 8, 1930, plea of guilty entered and fine of \$3,000 imposed.

United States *v.* Dolphin Paint & Varnish Company, Northern District of Ohio. June 20, 1929, indictment charging acceptance of concessions; 9 counts. March 17, 1930, plea of nolo contendere entered and fine of \$1,000 imposed.

United States v. Gilbert Feltner, District of Kansas. October 12, 1929, information charging unlawful use of pass; 2 counts. March 1, 1930, plea of guilty entered and fine of \$100 imposed.

United States v. Joseph A. Fisher, Middle District of Pennsylvania. May 2, 1930, indictment charging the granting of concessions; 2 counts. October 27, 1930, verdict of not guilty rendered.

United States v. Hibbard, Spencer, Bartlett & Company, Northern District of Illinois. April 26, 1929, indictment charging false billing, 12 counts; and accepting concessions, 10 counts. April 9, 1930, nolle prosequi entered.

United States v. Hibbard, Spencer, Bartlett & Company, Northern District of Illinois. April 26, 1929, indictment charging making shipments of explosives without disclosing the character thereof; 5 counts. April 15, 1930, plea of nolo contendere entered and fine of \$500 imposed.

United States v. George D. Horn, Northern District of Illinois, October 25, 1929, indictment charging the filing of false claims; 3 counts. November 26, 1929, plea of guilty entered and sentence of six months' imprisonment and fine of \$600 imposed.

United States v. Jill Bros., Inc., Southern District of Texas. May 16, 1929, indictment charging false billing; 15 counts. December 4, 1929, plea of guilty entered and fine of \$45,000 imposed.

United States v. Charles Johnson, Eastern District of Virginia. March 22, 1930, information charging unlawful use of pass; 1 count. April 7, 1930, plea of guilty entered and fine of \$100 imposed.

United States v. Kansas City Southern Railway Company, Western District of Missouri. May 17, 1929, complaint charging failure to obey commission's order. May 3, 1930, confession of judgment entered and penalty of \$5,000 imposed.

United States v. Leon Leroy King, Western District of Pennsylvania. January 15, 1930, information charging unlawful use of pass; 1 count. January 15, 1930, plea of guilty entered and fine of \$100 imposed.

United States v. Guido Kirchetti, Western District of Pennsylvania. February 26, 1930, information charging unlawful use of pass; 1 count. February 26, 1930, plea of guilty entered and fine of \$100 imposed.

United States v. J. Klein Sons, Inc., Northern District of Illinois. June 28, 1929, indictment charging acceptance of concessions; 9 counts. November 6, 1929, plea of guilty entered and fine of \$2,500 imposed.

United States v. James Law, District of Wyoming. November 1, 1929, information charging unlawful use of pass; 1 count. November 1, 1929, plea of guilty entered and fine of \$100 imposed.

United States v. Lehigh Valley Railroad Company, Reading Company, and J. A. Fisher, Middle District of Pennsylvania. October 29, 1929, indictment charging the granting of concessions; 8 counts. October 27, 1930, pleas of nolo contendere entered on behalf of Lehigh Valley Railroad Company and Reading Company and fine of \$3,000 imposed upon each defendant. Verdict of not guilty rendered as to Fisher.

United States v. Lehigh Valley Railroad Company, Middle District of Pennsylvania. May 2, 1930, indictment charging the granting of concessions; 2 counts. October 27, 1930, verdict of not guilty rendered.

United States v. A. Lusskin, District of Massachusetts. December 9, 1929, indictment charging acceptance of concessions; 10 counts. April 8, 1930, plea of guilty entered and sentence of two years' imprisonment in Atlanta penitentiary imposed.

United States v. Leonard J. Masino, Northern District of Ohio. March 23, 1930, information charging unlawful use of pass; 1 count. March 29, 1930, plea of guilty entered and fine of \$100 imposed.

United States v. Lawrence Mezera, Northern District of Ohio. November 19, 1929, information charging unlawful use of pass; 1 count. November 30, 1929, plea of guilty entered and fine of \$200 imposed.

United States v. Mississippi Eastern Railway Company, Southern District of Mississippi. February 19, 1930, indictment charging acceptance of concessions; 10 counts. September 18, 1930, plea of nolo contendere entered and fine of \$1,000 imposed.

United States v. Mississippi Eastern Railway Company, Southern District of Mississippi. February 19, 1930, indictment charging falsification of records; 5 counts. September 18, 1930, plea of nolo contendere entered and fine of \$1,000 imposed.

United States *v.* Missouri-Kansas-Texas Railroad Company, Eastern District of Missouri. May 17, 1929, complaint charging failure to obey commission's order. February 24, 1930, confession of judgment entered and penalty of \$5,000 imposed.

United States *v.* Missouri Pacific Railroad Company, Eastern District of Missouri. May 17, 1929, complaint charging failure to obey commission's order. May 5, 1930, confession of judgment entered and penalty of \$5,000 imposed.

United States *v.* Dominick J. Napoli, Eastern District of Pennsylvania. May 28, 1929, indictment charging acceptance of concessions; 8 counts. May 9, 1930, nolle prosequi entered.

United States *v.* Nelson Products Company, J. Vincent Reardon and Clarence R. Sweeney, Middle District of Pennsylvania. October 29, 1929, indictment charging acceptance of concessions; 7 counts. March 17, 1930, plea of guilty entered on behalf of Nelson Products Company and fine of \$3,000 imposed. Nolle prosequi entered as to defendants Reardon and Sweeney.

United States *v.* J. H. Nicholas & Company, Inc., and Nicholas H. Weitzner, Middle District of Pennsylvania. October 29, 1929, indictment charging acceptance of concessions, 25 counts; A. Daigger & Company, Maurice M. Kraft, Max Woldenberg, and George W. Lerch, aiding and abetting therein; 8 counts. March 17, 1930, pleas of guilty entered on behalf of Nicholas & Company, Daigger & Company, Weitzner, Kraft, and Woldenberg, and fines of \$4,000 imposed upon Nicholas & Company, \$2,000 upon Daigger & Company, and \$1,000 each upon Kraft, Weitzner, and Woldenberg. Plea of nolo contendere entered on behalf of Lerch and fine of \$1,000 imposed.

United States *v.* The Pennsylvania Railroad Company, Middle District of Pennsylvania. October 29, 1929, indictment charging the granting of concessions, 10 counts; Harry Gordon aiding and abetting therein, 5 counts; and Edward A. Moran, aiding and abetting therein, 2 counts. March 17, 1930, pleas of nolo contendere entered and fine of \$5,000 upon the Pennsylvania Railroad Company and \$1,000 upon Moran imposed. Defendant Gordon placed on probation for six months.

United States *v.* The Pennsylvania Railroad Company, Eastern District of Pennsylvania. February 26, 1930, indictment charging the granting of concessions, 10 counts; and failure to observe tariffs, 3 counts. June 9, 1930, plea of guilty entered and fine of \$5,000 imposed.

United States *v.* The Pennsylvania Railroad Company, Eastern District of Pennsylvania. February 26, 1930, indictment charging falsification of records kept by a carrier; 10 counts. June 9, 1930, plea of guilty entered and fine of \$5,000 imposed.

United States *v.* Reading Company, Middle District of Pennsylvania. May 2, 1930, indictment charging the granting of concessions; 2 counts. October 27, 1930, verdict of not guilty rendered.

United States *v.* The Reardon Company, J. Vincent Reardon and Clarence R. Sweeney, Middle District of Pennsylvania. October 29, 1929, indictment charging acceptance of concessions; 1 count. March 17, 1930, plea of guilty entered on behalf of the Reardon Company and fine of \$1,000 imposed. Pleas of nolo contendere entered on behalf of Reardon and Sweeney and fine of \$1,000 imposed upon each defendant.

United States *v.* W. R. Sager, Northern District of Ohio. November 19, 1929, information charging unlawful use of pass; 1 count. November 30, 1929, plea of guilty entered and fine of \$200 imposed.

United States *v.* Schlueter's, Southern District of California. November 8, 1928, indictment charging filing false claims; 10 counts. December 16, 1929, nolle prosequi entered.

United States *v.* Otto Steinberg, District of Idaho. October 14, 1929, indictment charging false billing; 10 counts. March 18, 1930, verdict of not guilty rendered.

United States *v.* St. Louis-San Francisco Railway Company, Eastern District of Missouri. May 17, 1929, complaint charging failure to obey commission's order. March 7, 1930, confession of judgment entered and penalty of \$5,000 imposed.

United States *v.* Bryan Thomas and John L. Conley, Northern District of Ohio. March 21, 1930, indictment charging embezzlement of funds of a common carrier, and aiding and abetting therein; 10 counts. March 29, 1930, pleas of guilty entered and sentence of two years' imprisonment in Atlanta penitentiary imposed upon each defendant.

United States *v.* Bryan Thomas and John L. Conley, Northern District of Ohio. March 21, 1930, indictment charging falsification of records kept by a carrier, and aiding and abetting therein; 10 counts. March 29, 1930, pleas of guilty entered and sentence of two years' imprisonment in Atlanta Penitentiary imposed upon each defendant, to run concurrently with sentence imposed in the next preceding case.

United States *v.* John F. Trefney, Northern District of Ohio. November 19, 1929, information charging unlawful use of pass; 1 count. November 30, 1929, plea of guilty entered and fine of \$200 imposed.

United States *v.* Union Sulphur Company, District of New Jersey. May 14, 1930, petition seeking injunction to restrain disbursement of funds received from the Brimstone Railroad & Canal Company. September 15, 1930, petition denied.

United States *v.* Valley Agricultural Company and L. C. Unger, Southern District of California. April 16, 1930, indictment charging false billing; 20 counts. September 26, 1930, pleas of nolo contendere entered and fine of \$3,000 upon the Valley Agricultural Company and \$2,000 upon Unger imposed.

United States *v.* Rudolph A. Yenkee and Mrs. Georgia Wood, Western District of Pennsylvania. November 22, 1929, information charging unlawful use of pass; 1 count. November 22, 1929, plea of guilty entered and fine of \$100 imposed upon each defendant.

United States *v.* Charles Young, Southern District of Ohio. March 24, 1930, information charging unlawful use of pass; 1 count. March 24, 1930, plea of guilty entered and fine of \$100 imposed.

APPENDIX B

SUMMARIES SHOWING ACTION TAKEN SINCE THE PERIOD COVERED BY THE LAST ANNUAL REPORT WITH RESPECT TO CASES INVOLVING ORDERS OR REQUIREMENTS OF THE COMMISSION AND STATUS ON OCTOBER 31, 1930, OF CASES PENDING IN THE COURTS

CASES DECIDED BY THE COURTS SINCE OCTOBER 31, 1929

SUPREME COURT OF THE UNITED STATES

Interstate Commerce Commission, petitioner, v. United States of America, ex rel. City of Los Angeles, respondent.

Petition for writ of mandamus to compel the commission to consider the evidence in Docket No. 14778, 100 I. C. C. 421, and 142 I. C. C. 489, for the purpose of determining whether an order requiring the construction and use of the new union passenger station in the city of Los Angeles should be issued.

On June 12, 1928, the petition was filed, and the rule to show cause issued. On October 18, 1928, after argument, an order was entered by the court dismissing the petition. On October 27, 1928, an appeal was docketed in the Court of Appeals of the District of Columbia, and on January 8, 1929, the case was argued and submitted for decision. On February 25, 1929, the judgment of the lower court was reversed, and a writ of mandamus issued. On March 25, 1929, a petition for writ of certiorari was filed in the Supreme Court of the United States, which was granted on April 15, 1929. On May 13, 1929, the case was assigned for hearing of oral argument on October 28, 1929. On October 28-29, 1929, the case was argued and submitted for decision, and on November 25, 1929, the judgment of the Court of Appeals was reversed. 280 U. S. 52.

The United States of America and Interstate Commerce Commission, appellants, v. Erie Railroad Company et al., appellees.

Suit in equity to set aside and annul order of the commission dated November 2, 1928, in Docket No. 16531, *Hamersley Manufacturing Co. v. Erie R. R. Co. et al.*, in so far as said order prescribes rates from Hoboken, N. J., to Garfield, N. J.

On December 17, 1928, the petition was filed. On December 18, 1928, the case was argued and submitted for decision on final hearing, and on December 26, 1928, a permanent injunction was granted. On January 29, 1929, an appeal was docketed in the Supreme Court. On November 1, 1929, the case was argued and submitted for decision, and on November 25, 1929, the judgment of the lower court was reversed, and the commission's order sustained. 280 U. S. 98.

Piedmont and Northern Railway Company, appellant, v. United States of America, Interstate Commerce Commission, et al., appellees.

Suit in equity to set aside the commission's order of April 3, 1928, denying application of the Piedmont & Northern Railway Co. for a certificate of public convenience and necessity under paragraphs (18) to (21), inclusive, of section 1 of the interstate commerce act, as modified by paragraph (22) of that section. 138 I. C. C. 363, Finance Docket No. 6208.

On May 22, 1928, the petition was filed. On June 28, 1928, after argument on the question, an order was entered by the district judge calling together a 3-judge court, and on June 29, 1928, the case was set for hearing on October 2, 1928. On October 3-4, 1928, the case was argued and submitted for decision, and on January 14, 1929, the petition was dismissed, and the order of the commission sustained. On June 13, 1929, an appeal was docketed in the Supreme Court. On January 22, 1930, the case was argued and submitted for decision, and on February 24, 1930, the commission's motion to dismiss was sustained on the ground that the order was negative in character. 280 U. S. 469.

Alexander Sprunt & Son, Inc., et al., appellants, v. United States of America and Interstate Commerce Commission, appellees.

Suit in equity to set aside the commission's orders of June 23, 1925, and April 4, 1927, requiring certain carriers to remove undue prejudice found to exist between domestic and shipside rates applied to the transportation of cotton from points in Oklahoma, Arkansas, Texas, and Louisiana (on and west of the west bank of the Mississippi River) to Gulf ports. 100 I. C. C. 159 and 123 I. C. C. 685, Dockets 13991 and 14940.

On July 1, 1927, the bill of complaint was filed. On July 12-13, 1927, the case was argued orally and submitted for final decree, and an interlocutory injunction was issued. On December 5, 1927, the injunction was recalled and vacated, and the bill dismissed for want of equity, and on December 31, 1928, an appeal was docketed in the Supreme Court. On October 31-November 1, 1929, the case was argued and submitted for decision, and on April 14, 1930, decision was rendered, holding that the case had become moot, and in so far as it concerns appellants the decree should be reversed with instructions to dismiss the petition; and "so far as concerns the carriers—no appeal having been taken by them—the decree entered below should stand." 281 U. S. 249.

Interstate Commerce Commission, petitioner, v. Northern Pacific Railway Company, Great Northern Railway Company, Chicago, Milwaukee, St. Paul & Pacific Railroad Company, and Chicago, Burlington & Quincy Railroad Company, defendants.

Petition for writ of mandamus to compel the commission to enter upon an investigation pursuant to petition filed with it on April 15, 1929, by the Northern Pacific Railway Company and other carriers, in which complaint is made that certain intrastate rates in Montana violate section 13 of the act.

On July 23, 1929, the petition was filed. On September 25, 1929, the case was argued orally and submitted to the Supreme Court of the District of Columbia, which ordered the writ of mandamus issued. On October 17, 1929, the case was docketed on appeal to the Court of Appeals of the District of Columbia, and on February 3, 1930, was argued and submitted to that court for decision. On March 3, 1930, the decision of the lower court was affirmed, and on March 27, 1930, petition for writ of certiorari was filed in the Supreme Court of the United States. On May 5, 1930, the petition was granted. On October 13, 1930, writ of certiorari was dismissed and the judgment of the Court of Appeals of the District of Columbia was reversed, because the case had become moot; the cause was remanded to the Supreme Court of the District of Columbia with directions to vacate the writ of mandamus and dismiss the complaint.

The Pittsburgh & West Virginia Railway Company, appellant, v. The Wheeling & Lake Erie Railroad Company et al., The United States of America, and Interstate Commerce Commission, appellees.

Suit in equity to set aside the commission's order of July 9, 1929, in F. D. 7298 and 7299, authorizing Wheeling & Lake Erie to abandon station and terminal line and facilities in Cleveland, to use line and new union station of Cleveland Union Terminal Company, when built, and to use temporarily line and station of Erie Railroad Company pending building of new union station. 154 I. C. C. 516.

On August 7, 1929, the bill of complaint was filed. On September 10, 1929, the case was argued and submitted for decision. On December 11, 1929, the injunction was denied and the bill dismissed, in so far as concerns the United States and the commission. On February 21, 1930, an appeal was docketed in the Supreme Court, and on April 15, 1930, the case was argued and submitted for decision. On May 19, 1930, the decree of the lower court was affirmed. 281 U. S. 479.

The Ann Arbor Railroad Company et al., appellants, v. United States of America and Interstate Commerce Commission, appellees.

Suit in equity to set aside the commission's order of July 20, 1927, requiring certain carriers to establish and put in force rates prescribed by the commission for the transportation of deciduous fruits, in carloads, from points in California to points in other States east of the Rocky Mountains. Docket No. 19130, 129 I. C. C. 25.

On November 23, 1927, the petition was filed. On December 20, 1927, the case was heard on application for preliminary injunction, and on January 18, 1928, preliminary injunction was denied. On May 1, 1928, the case was submitted on final hearing and on May 3, 1928, permanent injunction was denied, decree dismissing the petition was entered, and stay order, pending appeal, was denied. On July 14, 1928, an appeal was docketed in the Supreme Court, and on February 25, 1929, the case was argued and submitted for decision. On May 13, 1929, the case was assigned for reargument on October 21, 1929. On October 21-22, 1929, the case was reargued and submitted for decision, and on June 2, 1930, the judgment of the lower court was reversed, and the order of the commission held invalid. 281 U. S. 658.

DISTRICT COURTS OF THE UNITED STATES

The Pittsburgh & West Virginia Railway Company, plaintiff, v. The Wheeling & Lake Erie Railroad Company et al., The United States of America, and Interstate Commerce Commission, defendants. Northern District of Ohio, Eastern Division.

Suit in equity to set aside the commission's order of July 9, 1929, in F. D. 7298 and 7299, authorizing Wheeling & Lake Erie to abandon station and terminal line and facilities in Cleveland, to use line and new union station of Cleveland Union Terminal Company, when built, and to use temporarily line and station of Erie Railroad Company pending building of new union station. 154 I. C. C. 516.

On August 7, 1929, the bill of complaint was filed. On September 10, 1929, the case was argued and submitted for decision. On December 11, 1929, the injunction was denied and the bill dismissed, in so far as concerns the United States and the commission. On February 21, 1930, an appeal was docketed in the Supreme Court, and on April 15, 1930, the case was argued and submitted for decision. On May 19, 1930, the decree of the lower court was affirmed. 281 U. S. 479.

Atlanta, Birmingham and Coast Railroad, complainant, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Northern District of Georgia, Atlanta Division.

Suit in equity to set aside the commission's report of October 9, 1929, in Finance Docket No. 5454, *Reorganization and Control of A., B. & C. R. R.*, 117 I. C. C. 181, 117 I. C. C. 439, and 158 I. C. C. 6, wherein the carrier seeks to set up in its books of accounts as the value of the property acquired by it at foreclosure sale of the Atlanta, Birmingham & Atlantic Ry. Co., entries charging its accounts with the final valuation of the properties acquired, as fixed by the commission in Valuation Docket No. 1, 75 I. C. C. 645.

On June 14, 1928, the petition was filed, and on October 12, 1928, the case was argued orally and submitted for decision. On October 26, 1928, a permanent injunction was issued, and on December 3, 1928, the case was dropped from the docket, the commission having voted not to appeal from the decision of the district court. On October 9, 1929, report of the commission on further hearing was issued.

On November 20, 1929, a supplemental petition was filed, and on January 3, 1930, the case was argued and submitted for decision to the district court. On January 18, 1930, a permanent injunction was issued, and on April 22, 1930, the case was docketed on appeal to the Supreme Court.

Chesapeake and Ohio Railway Company, plaintiff, v. United States of America, Guyandot and Tug River Railroad Company, and Norfolk and Western Railway Company, defendants, and interstate Commerce Commission, intervening defendant. Southern District of West Virginia.

Suit in equity to enjoin, set aside, annul, and suspend that portion of the commission's order of July 23, 1928, in Finance Docket No. 6067, *Construction of Line by Virginian & Western Ry. Co.*, as amended by its order of November 1, 1928, which authorized the Guyandot & Tug River R. R. Co. to construct and operate a line of railroad from Wharnccliffe, W. Va., to Gilbert, W. Va. 145 I. C. C. 167.

On December 8, 1928, the petition was filed, and on January 3-4, 1929, the case was argued orally and submitted for decision. On November 16, 1929, the order of the commission was sustained and the petition dismissed. On April 14, 1930, an appeal was docketed in the Supreme Court.

Beaumont, Sour Lake & Western Ry. Co. et al., petitioners, v. United States, defendant, and Interstate Commerce Commission, intervening defendant. Western District of Kansas, Western Division.

Suit in equity to set aside order of the commission entered on June 10, 1929, prescribing just, reasonable and equitable divisions of joint rates between carriers in southwestern and western trunk-line territories. Docket No. 15234, 148 I. C. C. 457.

On July 22, 1929, the petition was filed, and on September 20, 1929, the case was submitted on final hearing. On November 19, 1929, the injunction was denied and petition dismissed, and on November 27, 1929, the final decree was

entered. On November 30, 1929, a stay order, pending appeal was granted, and on February 8, 1930, the appeal was docketed in the Supreme Court. On October 20, 1930, the case was argued and submitted for decision.

State of Alabama and Alabama Public Service Commission, petitioners, v. United States et al., defendants, and Interstate Commerce Commission, intervening defendant. Northern District of Alabama, Southern Division.

Suit in equity to set aside the commission's order of October 3, 1927, requiring certain carriers to establish rates for the transportation of fertilizer and fertilizer materials within the State of Alabama, for the purpose of removing undue prejudice and unjust discrimination found to exist between said rates and certain interstate rates applicable to the transportation of like traffic. Docket No. 16336, 113 I. C. C. 389.

On December 21, 1927, the bill of complaint was filed. On February 8, 1928, the case was argued and submitted for decision, and on February 13, 1928, the interlocutory injunction was denied. On May 31, 1928, the case was docketed on appeal in the Supreme Court, and on February 21, 1929, it was argued and submitted for decision. On April 8, 1929, the order of the commission was sustained, and the case was remanded to the lower court for hearing on the merits. On June 23, 1930, the case was argued and submitted for decision, and on July 5, 1930, the order of the commission was sustained on final hearing. On October 15, 1930, the case was docketed on appeal to the Supreme Court.

The Kansas City Southern Railway Company and Texarkana and Fort Smith Railway Company, petitioners, v. United States of America and Interstate Commerce Commission, defendants. Western District of Missouri, Western Division.

Suit in equity to set aside the commission's order of November 4, 1929, in Docket 17757, *In the Matter of Use of Private Passenger Train Cars*, 155 I. C. C. 775, requiring railroads in list attached to the order to cease and desist from transporting private passenger cars, including so-called office cars, free, or at other than published tariff rates.

On February 7, 1930, the petition was filed. On June 16, 1930, the case was argued and submitted for decision, and on August 27, 1930, the commission's order was sustained and the petition dismissed. On September 19, 1930, the final decree was entered. On October 18, 1930, the case was docketed on appeal to the Supreme Court.

United States Feldspar Corporation, petitioner, v. The United States of America, Fonda, Johnstown and Gloversville Railroad Company, New York Trust Company, and Board of Hudson River Regulating District, respondents, and Interstate Commerce Commission, intervening respondent. Northern District of New York.

Suit in equity to set aside the commission's certificate dated December 10, 1929, certifying that the present and future public convenience and necessity permit the abandonment by the Fonda, Johnstown and Gloversville Railroad Company of its line between Broadalbin Junction and Northville in Fulton County, N. Y. 158 I. C. C. 379, F. D. 7708.

On January 20, 1930, the petition was filed, and on February 3, 1930, the case was argued and submitted for decision. In February, 1930, the petition was dismissed and the commission's certificate was sustained.

Toledo, Peoria & Western Railroad, plaintiff, v. United States of America, Interstate Commerce Commission, et al., defendants. Northern District of Illinois, Eastern Division.

Suit in equity to enjoin, set aside, and annul the commission's order of July 2, 1928, 146 I. C. C. 171, Docket No. 19918, which sets aside an emergency order, issued August 9, 1927, to require the Toledo, Peoria & Western to permit the Chicago & Alton to operate certain trains over the Toledo's tracks between Washington, Ill., and Peoria, Ill.

On November 26, 1929, the bill of complaint was filed. On January 27, 1930, the case was argued and submitted for decision, and on May 6, 1930, the bill was dismissed for lack of jurisdiction, on the ground that the commission's order was negative in character. On July 7, 1930, the final decree was entered.

On September 30, 1930, the case was dropped from the docket because an appeal was not taken within the time prescribed by law.

Texas & Pacific Railway Company, petitioner, v. United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Southern District of Texas, Galveston Division.

Suit in equity to set aside the commission's orders in Docket No. 12798, *Galveston Commercial Asso. v. Galveston, Harrisburg & San Antonio Ry. Co. et al.*, 160 I. C. C. 345, requiring carriers to cease and desist from charging the same rates between points on the Texas & Pacific and the Louisiana Railway & Navigation Co. and Texas ports, as between said points and New Orleans, on export, import, and coastwise traffic, and prescribing nonprejudicial relationships for future rates.

On February 11, 1930, the petition was filed. On May 1-2, 1930, the case was argued and submitted for decision, and on June 16, 1930, the order of the commission was sustained. The final decree was entered on June 24, 1930.

Pending appeal.

The Baltimore & Ohio Railroad Company et al., petitioners, v. United States of America, respondent, and Interstate Commerce Commission, intervening respondent. District of New Jersey.

Suit in equity to set aside the commission's orders of November 5, 1927, May 7, 1929, and February 4, 1930, in Docket No. 18672, *Hoboken Mfrs. R. R. v. A., T. & S. F. Ry. Co. et al.*, prescribing just and reasonable divisions to be received by the Hoboken out-of-joint rates on silk from points on the Pacific coast to destinations upon its lines. 132 I. C. C. 579; 155 I. C. C. 330.

On March 11, 1930, the petition was filed, and on June 17, 1930, the case was argued and submitted for decision. In September, 1930, a permanent injunction was granted as to the commission's order of November 5, 1927, because of lack of evidence held to be necessary in the *Brimstone Divisions case* (276 U. S. 104), and as to order of May 7, 1929, because making adjustment of divisions retroactive based on evidence subsequently put into the record. The order of February 4, 1930, prescribing divisions on and after March 10, 1930, was not enjoined.

Louisiana & Arkansas Railway Company et al., petitioners, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Southern District of Texas, Galveston Division.

Suit in equity to set aside the commission's orders in Docket No. 12798, *Galveston Commercial Asso. v. Galveston, Harrisburg & San Antonio Ry. Co. et al.*, 160 I. C. C. 345, requiring carriers to cease and desist from charging the same rates between points on the Texas & Pacific and the Louisiana Railway & Navigation Co. and Texas ports, as between said points and New Orleans, on export, import, and coastwise traffic, and prescribing nonprejudicial relationships for future rates.

On March 7, 1930, the petition was filed. On May 1-2, 1930, the case was argued and submitted for decision, and on June 16, 1930, the order of the commission was sustained. The final decree was entered on June 24, 1930.

Pending appeal.

Louisiana Public Service Commission et al., plaintiffs, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Eastern District of Louisiana, Baton Rouge Division.

Suit in equity to set aside that part of the commission's order of June 3, 1929, in Docket No. 17000, *Rate Structure Investigation, Part II, Sand and Gravel*, 155 I. C. C. 247, which prescribes intrastate rates in western Louisiana south of the line of the Vicksburg, Shreveport & Pacific Railway, and which prescribes joint rates, including ferry transfer charges, for Mississippi River crossings at New Orleans, Harahan, Baton Rouge, and Angola, La., and Natchez and Vicksburg, Miss.

On November 20, 1929, the bill of complaint was filed. On January 16, 1930, the case was argued and submitted for decision, and on June 11, 1930, the order of the commission was sustained, and a final decree dismissing the bill was entered.

Pending appeal.

Louisville & Nashville Railroad Company, Illinois Central Railroad Company, The Baltimore & Ohio Railroad Company, The Chesapeake & Ohio Railway Company, and Cleveland, Cincinnati, Chicago & St. Louis Railway Company, petitioners, v. United States of America and Interstate Commerce Commission, defendants. Western District of Kentucky.

Suit in equity to set aside the commission's order of November 4, 1929, in Docket No. 17757, *In the Matter of Use of Private Passenger Train Cars*, 155 I. C. C. 775, requiring railroads in list attached to the order, to cease and desist from transporting private passenger cars, including so-called office cars, free, or at other than published tariff rates.

On December 14, 1929, the petition was filed. On December 20, 1929, the case was argued and submitted for decision, and on May 28, 1930, the order of the commission was sustained. On June 13, 1930, the final decree was entered, and on August 5, 1930, the case was docketed on appeal to the Supreme Court.

The Pennsylvania Railroad Company, plaintiff, v. The United States of America and The Pittsburgh & West Virginia Railway Company, defendants, and Interstate Commerce Commission, intervening defendant. Western District of Pennsylvania.

Suit in equity to set aside the commission's order of February 7, 1930, in Finance Docket No. 7737, *Pittsburgh & West Va. Ry. Construction*, authorizing the Pittsburgh & West Virginia to construct a branch line of railroad about 6 miles in length in Washington County, Pa. 158 I. C. C. 749.

On March 27, 1930, the bill of complaint was filed. On April 25, 1930, the case was argued and submitted for decision, and on May 23, 1930, the order of the commission was sustained. On July 10, 1930, the final decree was entered.

On September 30, 1930, the case was dropped from the docket because an appeal was not taken within the time prescribed by law.

Georgia Public Service Commission et al., petitioners, v. United States of America and Interstate Commerce Commission, defendants. Northern District of Georgia, Atlanta Division.

Suit in equity to set aside the commission's order of December 9, 1929, in Docket 17517, *Rates on Chert, Sand, Gravel, etc., in the State of Georgia*, 160 I. C. C. 309, requiring certain carriers to establish rates for the transportation of sand, gravel, etc., within the State of Georgia, for the purpose of removing undue prejudice and unjust discrimination found to exist between State rates and certain interstate rates applicable to the transportation of like traffic.

On February 20, 1930, the bills of complaint were filed. On February 27, 1930, the case was heard on application for preliminary injunction, and on February 28, 1930, the preliminary injunction was denied. On June 23, 1930, the case was argued and submitted on final hearing, and on July 5, 1930, the order of the commission was sustained.

Pending appeal.

State Highway Board of Georgia et al., petitioners, v. United States of America and Interstate Commerce Commission, defendants. Northern District of Georgia, Atlanta Division.

Suit in equity to set aside the commission's order of December 9, 1929, in Docket 17517, *Rates on Chert, Sand, Gravel, etc., in the State of Georgia*, 160 I. C. C. 309, requiring certain carriers to establish rates for the transportation of sand, gravel, etc., within the State of Georgia, for the purpose of removing undue prejudice and unjust discrimination found to exist between State rates and certain interstate rates applicable to the transportation of like traffic.

On February 25, 1930, the petition was filed. On February 27, 1930, the case was heard on application for preliminary injunction, and on February 28, 1930, the preliminary injunction was denied. On June 23, 1930, the case was argued and submitted on final hearing, and on July 5, 1930, the order of the commission was sustained.

Pending appeal.

Standard Oil Company (Indiana) petitioner, v. United States of America, The Atchison, Topeka & Santa Fe Railway Company et al., defendants, and Interstate Commerce Commission, intervening defendant. Northern District of Indiana, Hammond Division.

Suit in equity to set aside the commission's orders of July 9, 1926, and January 9, 1929, dismissing the complaints in *Standard Oil Company (Indiana) v. Atchison, Topeka & Santa Fe Ry. Co. et al.*, Docket No. 15877, and *Same v. Same*, Docket No. 15878, seeking refund of alleged straight overcharges on various shipments of petroleum oils and gasoline. 113 I. C. C. 597, and 139 I. C. C. 297.

On June 28, 1929, the petition was filed. On December 9-10, 1929, the case was argued and submitted for decision, and on March 5, 1930, the injunction

was denied and the petition dismissed. The case was resubmitted, without argument, on briefs, and on June 7, 1930, the opinion of March 5, 1930, was confirmed. On August 25, 1930, the case was docketed on appeal to the Supreme Court.

Pending appeal.

Chicago & Eastern Illinois Railway Company, complainant, v. United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Northern District of Illinois, Eastern Division.

Suit in equity to set aside the commission's order of January 15, 1930, in *Sand, Gravel and Crushed Stone from Indiana and Illinois Points to Destinations in Illinois*, Docket No. 21939, 160 I. C. C. 507, requiring the establishment of reasonable and nondiscriminatory interstate rates, under section 13, in order to correct discrimination against interstate shippers because of low intrastate rates.

On March 6, 1930, the bill of complaint was filed. On March 11, 1930, the case was argued and submitted for decision, and an interlocutory injunction issued, restraining enforcement of the commission's order pending decision of the court on the merits. On September 30, 1930, a permanent injunction was issued, and on October 13, 1930, the case was discontinued, the commission having voted not to appeal from the decision of the district court.

The Merchants Warehouse Company, petitioner, v. United States of America and Interstate Commerce Commission, respondents.

The Philadelphia Warehousing & Cold Storage Company, petitioner, v. United States of America and Interstate Commerce Commission, respondents.

The Pennsylvania Warehousing & Safe Deposit Company, petitioner, v. United States of America and Interstate Commerce Commission, respondents. Eastern District of Pennsylvania.

Suits in equity to enjoin the commission's order of December 28, 1929, in *James Gallagher, et al. v. Penna. Railroad Company*, Docket 20968; *Walter A. Bailey et al. v. Balto. & Ohio R. Co.*, Docket 20968 (Sub. No. 1), and *Rex & Company, Inc., et al. v. Reading Co.*, Docket 20968 (Sub. No. 2), 160 I. C. C. 563, requiring defendant railroads to cease and desist from publishing or making allowances to certain warehouse companies in connection with the loading and unloading of package freight at Philadelphia, and to cancel their tariff provisions which make the warehouses of such companies parts of the defendants' station facilities at Philadelphia, Pa.

In February, 1930, the petition was filed. On March 26-27-28, 1930, the case was argued and submitted for decision, and on October 8, 1930, the commission's order was sustained and the bills were dismissed.

Pending appeal.

A. Spates Brady, complainant, v. Interstate Commerce Commission and the United States of America, defendants. Northern District of West Virginia.

Suit in equity to set aside the commission's report and order dated February 28, 1929, in so far as the commission reduced the amount of reparation claimed by the complainant from \$57,735.11 to \$12,838.31. Docket 15270, 102 I. C. C. 19; 152 I. C. C. 325.

On January 17, 1930, the bill of complaint was filed, and on April 19, 1930, the case was argued and submitted for decision. On September 19, 1930, the bill was dismissed, on the ground that the court was without jurisdiction, and a final decree entered.

Pending appeal.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

Interstate Commerce Commission, appellant, v. United States of America ex rel, Capital Grain & Feed Company et al., appellees.

Petition for writ of mandamus to compel the commission to determine whether or not petitioners were subjected to the payment of charges on grain which were unreasonable and, if so, to award damages in the amount so found, as required by law. Docket No. 15082, 118 I. C. C. 732.

On November 15, 1928, the petition was filed, and on November 23, 1928, the order to show cause was issued. On February 5, 1929, the case was argued and submitted for decision, and on April 19, 1929, the writ of mandamus was ordered issued. On June 19, 1929, the case was docketed on appeal to the Court of Appeals of the District of Columbia, and on October 7, 1929, the case

was argued and submitted for decision. On November 4, 1929, the judgment of the lower court was reversed, and on March 1, 1930, the case was dropped from the docket because petition to the Supreme Court for writ of certiorari was not made within the time prescribed by law.

Interstate Commerce Commission, appellant, v. United States of America ex rel. Ralston Purina Company et al., appellees.

Petition for writ of mandamus to compel the commission to determine whether or not petitioners were subjected to the payment of charges on grain shipped to them at Nashville, Tenn., which were unreasonable and, if so, to award damages for the amount so found, as required by law. Docket No. 15292, 118 I. C. C. 748.

On December 17, 1928, the petition was filed, and on December 19, 1928, the order to show cause was issued. On February 5, 1929, the case was argued and submitted for decision, and on April 19, 1929, the writ of mandamus was ordered issued. On June 19, 1929, the case was docketed on appeal to the Court of Appeals of the District of Columbia. On October 7, 1929, the case was argued and submitted for decision, and on November 4, 1929, the judgment of the lower court was reversed. On March 1, 1930, the case was dropped from the docket because petition to the Supreme Court for writ of certiorari was not made within the time prescribed by law.

CASES DISCONTINUED

DISTRICT COURTS OF THE UNITED STATES

Pittsburgh and Shawmut Coal Company, Title Guarantee & Trust Company, and J. J. Jermyn, complainants, v. Delaware & Northern Railroad Company, defendant. Northern District of New York.

Petition and order to show cause why the receivers of the property of the Delaware & Northern should not be permitted to abandon the operation of the property of that company for common-carrier purposes, and to sell the property and distribute the proceeds of the sale to creditors and stockholders of the company.

On May 24, 1921, the petition and order to show cause were served on the commission, and on May 17, 1923, the application was denied.

On September 1, 1930, the case was dropped from the docket because the commission is not a party to the proceeding.

Toledo, Peoria & Western Railroad, plaintiff, v. United States of America, Interstate Commerce Commission et al., defendants. Northern District of Illinois, Eastern Division.

Suit in equity to enjoin, set aside, and annul the commission's order of July 2, 1928, 146 I. C. C. 171, Docket 19918, which sets aside an emergency order, issued August 9, 1927, to require the Toledo, Peoria & Western to permit the Chicago & Alton to operate certain trains over the Toledo's tracks between Washington, Ill., and Peoria, Ill.

On November 26, 1929, the bill of complaint was filed. On January 27, 1930, the case was argued and submitted for decision, and on May 6, 1930, the bill was dismissed for lack of jurisdiction on the ground that the commission's order was negative in character. On July 7, 1930, the final decree was entered.

On September 30, 1930, the case was dropped from the docket because an appeal was not taken within the time prescribed by law.

The Pennsylvania Railroad Company, plaintiff, v. The United States of America and The Pittsburgh & West Virginia Railway Company, defendants, and Interstate Commerce Commission, intervening defendant. Western District of Pennsylvania.

Suit in equity to set aside the commission's order of February 7, 1930, in Finance Docket No. 7737, *Pittsburgh & West Va. Ry. Construction*, authorizing the Pittsburgh & West Virginia to construct a branch line of railroad about 6 miles in length in Washington County, Pa. 158 I. C. C. 749.

On March 27, 1930, the bill of complaint was filed. On April 25, 1930, the case was argued and submitted for decision, and on May 23, 1930, the commission's order was sustained. On July 10, 1930, the final decree was entered, and on September 30, 1930, the case was dropped from the docket because an appeal was not taken within the time prescribed by law.

Winter-Loeb Grocery Company, et al., complainants, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Southern District of Alabama.

Suit in equity to set aside, and for a stay of, the commission's order of June 10, 1929, postponing indefinitely the effective date of its order of November 27, 1926 (Docket No. 15082, 118 I. C. C. 732), in respect of undue preference and prejudice, and reopening the proceedings as to those matters in connection with Docket No. 17000, Part 7-A, *Grain and Grain Products, Southern Territory Rates*.

On June 20, 1929, the bill of complaint was filed. On July 5, 1929, the case was argued and submitted for decision, and on July 11, 1929, the injunction was denied and the order of the commission sustained. On March 1, 1930, the case was dropped from the docket because of complainants' failure to appeal within the time prescribed by law.

Alton & Eastern Railroad Company, plaintiff, v. United States of America, Interstate Commerce Commission, et al., defendants. Southern District of Illinois, Southern Division.

Suit in equity seeking injunction to restrain the United States, the Interstate Commerce Commission, and certain railway companies from rerouting traffic in petroleum and petroleum products, as provided for in Southwestern Lines Tariff No. 125-E, I. C. C. No. 2138.

On October 17, 1929, the petition was filed, and on November 2, 1929, the petition was dismissed without prejudice on plaintiff's motion.

Chicago & Eastern Illinois Railway Company, complainant, v. United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Northern District of Illinois, Eastern Division.

Suit in equity to set aside the commission's order of January 15, 1930, in *Sand, Gravel and Crushed Stone from Indiana and Illinois Points to Destinations in Illinois*, Docket No. 21939, 160 I. C. C. 507, requiring the establishment of reasonable and nondiscriminatory interstate rates, under section 13, in order to correct discrimination against interstate shippers because of low intrastate rates.

On March 6, 1930, the bill of complaint was filed. On March 11, 1930, the case was argued and submitted for decision, and an interlocutory injunction issued, restraining enforcement of the commission's order pending decision of the court on the merits. On September 30, 1930, a permanent injunction was issued, and on October 13, 1930, the case was discontinued, the commission having voted not to appeal from the decision of the district court.

F. C. Wallower and Harrison C. Rogers, Receivers for the Southwest Missouri Railroad Company, and the Southwest Missouri Railroad Company, petitioners, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Western District of Missouri.

Suit in equity to set aside the commission's order of May 2, 1928, 140 I. C. C. 627, I. & S. Docket No. 2990, requiring the Southwest Missouri to cancel its tariff I. C. C. No. 22, which provides for certain absorptions on account of drayage of ore shipped in carloads from points in Oklahoma to points in other states.

On May 31, 1928, the petition was filed. On June 18, 1928, the case was argued orally and submitted for decision, and on June 22, 1928, an interlocutory injunction was granted. On March 20, 1929, the injunction was vacated and the bill dismissed. On October 1, 1930, the case was dropped from the docket because appeal was not perfected within the time prescribed by law.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

Interstate Commerce Commission, appellant, v. United States of America ex rel. Capital Grain & Feed Company, et al., appellees.

Petition for writ of mandamus to compel the commission to determine whether or not petitioners were subjected to the payment of charges on grain which were unreasonable and, if so, to award damages in the amount so found, as required by law. Docket No. 15082, 118 I. C. C. 732.

On November 15, 1928, the petition was filed, and on November 23, 1928, the order to show cause was issued. On February 5, 1929, the case was argued and submitted for decision, and on April 19, 1929, the writ of mandamus was ordered

issued. On June 19, 1929, the case was docketed on appeal to the Court of Appeals of the District of Columbia, and on October 7, 1929, the case was argued and submitted for decision. On November 4, 1929, the judgment of the lower court was reversed, and on March 1, 1930, the case was dropped from the docket because petition to the Supreme Court for writ of certiorari was not made within the time prescribed by law.

Interstate Commerce Commission, appellant, v. United States of America ex rel. Ralston Purina Company, et al., appellees.

Petition for writ of mandamus to compel the commission to determine whether or not petitioners were subjected to the payment of charges on grain shipped to them at Nashville, Tenn., which were unreasonable, and, if so, to award damages for the amount so found, as required by law. Docket No. 15292, 118 I. C. C. 748.

On December 17, 1928, the petition was filed, and on December 19, 1928, the order to show cause was issued. On February 5, 1929, the case was argued and submitted for decision, and on April 19, 1929, the writ of mandamus was ordered issued. On June 19, 1929, the case was docketed on appeal to the Court of Appeals of the District of Columbia. On October 7, 1929, the case was argued and submitted for decision, and November 4, 1929, the judgment of the lower court was reversed. On March 1, 1930, the case was dropped from the docket because petition to the Supreme Court for writ of certiorari was not made within the time prescribed by law.

CASES PENDING IN THE COURTS OCTOBER 31, 1930

SUPREME COURT OF THE UNITED STATES

United States and Interstate Commerce Commission, appellants, v. Chicago, Milwaukee, St. Paul & Pacific Railroad Company, appellee.

Suit in equity to enjoin the commission's certificate and order of January 4, 1928, 131 I. C. C. 673, and supplemental order of March 13, 1928, entered in F. D. 6240, *Chicago, Milwaukee & St. Paul Reorganization*, 138 I. C. C. 291, in so far as the authorization thereby given for issue of securities is conditioned upon the impounding by the carrier of a certain \$4 per share fund, and the requirement that that fund "shall not be paid out unless and until so authorized by order of the court in respect to payments subject to the court's jurisdiction or by the commission."

On October 13, 1928, the petition was filed. On February 18, 1929, the case was argued and submitted for decision, and on June 24, 1929, a permanent injunction was granted as to that part of the commission's order which related to a so-called \$1.50 per share trust fund. On September 12, 1929, the case was docketed on appeal to the Supreme Court, and on April 23-24, 1930, it was argued and submitted for decision. On May 26, 1930, the case was restored to the docket for reargument.

The United States of America and Interstate Commerce Commission, appellants, v. Atlanta, Birmingham & Coast Railroad Company, appellee.

Suit in equity to set aside the commission's report of October 9, 1929, in F. D. 5454, *Reorganization and Control of A., B. & C. R. R.*, 117 I. C. C. 181, 117 I. C. C. 439, and 158 I. C. C. 6, wherein the carrier seeks to set up in its books of accounts as the value of the property acquired by it at foreclosure sale of the Atlanta, Birmingham and Atlantic Ry. Co., entries charging its accounts with the final valuation of the properties acquired, as fixed by the commission in Valuation Docket No. 1, 75 I. C. C. 645.

On June 14, 1928, the petition was filed, and on October 12, 1928, the case was argued orally and submitted for decision. On October 26, 1928, a permanent injunction was issued, and on December 3, 1928, the case was dropped from the docket, the commission having voted not to appeal from the decision of the district court. On October 9, 1929, report of the commission on further hearing was issued.

On November 20, 1929, a supplemental petition was filed, and on January 3, 1930, the case was argued and submitted for decision to the district court. On January 18, 1930, a permanent injunction was issued, and on April 22, 1930, the case was docketed on appeal to the Supreme Court.

Brooks-Scanlon Corporation et al., appellants, v. United States of America and Interstate Commerce Commission, appellees.

Wilson Lumber Company of Florida, appellant, v. United States and Interstate Commerce Commission, appellees.

State of Florida et al., as and constituting Florida R. R. Commission, appellants, v. United States of America and Interstate Commerce Commission, appellees.

Suits in equity to enjoin the commission's order of August 2, 1928, in *Georgia Public Service Commission v. Atlantic Coast Line Railroad Company*, 146 I. C. C. 717, Docket 18364, prescribing reasonable rates on logs, in carloads, from certain points in Florida to destinations in Georgia; and also prescribing for intrastate application in the State of Florida rates which will be the same as those prescribed for transportation in interstate commerce from points in Florida to destinations in Georgia.

The bills of complaint were filed in November, 1928, and on January 3-4, 1929, the case was argued and submitted for decision on final hearing. On January 17, 1929, a final decree was entered, denying the injunction and dismissing the petition. On March 7-8, 1929, the case was reargued and submitted for decision, and on March 22, 1929, the commission's order was sustained. On November 27, 1929, an appeal was docketed in the Supreme Court, and on October 30-31, 1930, the case was argued and submitted for decision.

Chesapeake & Ohio Railway Company, appellant, v. United States of America, Guyandot and Tug River Railroad Company, Norfolk and Western Railway Company, and Interstate Commerce Commission, appellees.

Suit in equity to enjoin, set aside, annul, and suspend that portion of the commission's order of July 23, 1928, in Finance Docket 6067, *Construction of Line by Virginian & Western Ry. Co.*, as amended by its order of November 1, 1928, which authorized the Guyandot & Tug River R. R. Co., to construct and operate a line of railroad from Wharnccliffe, W. Va., to Gilbert, W. Va., 145 I. C. C. 167.

On December 8, 1928, the petition was filed, and on January 3-4, 1929, the case was argued and submitted for decision. On November 16, 1929, the order of the commission was sustained and the petition dismissed, and on April 14, 1930, an appeal was docketed in the Supreme Court.

Beaumont, Sour Lake & Western Ry. Co. et al., appellants, v. United States and Interstate Commerce Commission, appellees.

Suit in equity to set aside order of the commission entered June 10, 1929, prescribing just, reasonable, and equitable divisions of joint rates between carriers in southwestern and western trunk-line territories. Docket No. 15234, 148 I. C. C. 457.

On July 22, 1929, the petition was filed, and on September 20, 1929, the case was submitted on final hearing. On November 19, 1929, the injunction was denied and petition dismissed, and on November 27, 1929, the final decree was entered. On November 30, 1929, a stay order, pending appeal, was granted, and on February 8, 1930, an appeal was docketed in the Supreme Court. On October 20, 1930, the case was argued and submitted for decision.

Standard Oil Company (Indiana), appellant, v. United States of America, The Atchison, Topeka & Santa Fe Railway Company et al., and Interstate Commerce Commission, appellees.

Suit in equity to set aside the commission's orders of July 9, 1926, and January 9, 1929, dismissing the complaints in *Standard Oil Company (Indiana) v. Atchison, Topeka & Santa Fe Ry. Co. et al.*, Docket No. 15877, and *Same v. Same*, Docket No. 15878, seeking refund of alleged straight overcharges on various shipments of petroleum oils and gasoline. 113 I. C. C. 597 and 139 I. C. C. 297.

On June 28, 1929, the petition was filed. On December 9-10, 1929, the case was argued and submitted for decision, and on March 5, 1930, the injunction was denied and the petition dismissed. The case was resubmitted, without argument, on briefs, and on June 7, 1930, the opinion of March 5, 1930, was confirmed. On August 25, 1930, the case was docketed on appeal to the Supreme Court.

State of Alabama and Alabama Public Service Commission, appellants, v. United States, Interstate Commerce Commission, et al., appellees.

Suit in equity to set aside the commission's order of October 3, 1927, requiring certain carriers to establish rates for the transportation of fertilizer and fertilizer materials within the State of Alabama, for the purpose of removing undue prejudice and unjust discrimination found to exist between said rates and

certain interstate rates applicable to the transportation of like traffic. Docket No. 16336, 113 I. C. C. 389.

On December 21, 1927, the bill of complaint was filed. On February 8, 1928, the case was argued and submitted for decision, and on February 13, 1928, the interlocutory injunction was denied. On May 31, 1928, the case was docketed on appeal in the Supreme Court, and on February 21, 1929, it was argued and submitted for decision. On April 8, 1929, the order of the commission was sustained, and the case was remanded to the lower court for hearing on the merits. On June 23, 1930, the case was argued and submitted for decision, and on July 5, 1930, the order of the commission was sustained on final hearing. On October 15, 1930, the case was docketed on appeal to the Supreme Court.

The Kansas City Southern Railway Company and Texarkana and Fort Smith Railway Company, appellants, v. United States of America and Interstate Commerce Commission, appellees.

Suit in equity to set aside the commission's order of November 4, 1929, in Docket 17757, *In the Matter of Use of Private Passenger Train Cars*, 155 I. C. C. 775, requiring railroads, in list attached to the order to cease and desist from transporting private passenger cars, including so-called office cars, free, or at other than published tariff rates.

On February 7, 1930, the petition was filed. On June 16, 1930, the case was argued and submitted for decision, and on August 27, 1930, the commission's order was sustained and the petition dismissed. On September 19, 1930, the final decree was entered. On October 18, 1930, the case was docketed on appeal to the Supreme Court.

DISTRICT COURTS OF THE UNITED STATES

Carnegie Steel Company, plaintiff, v. United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Western District of Pennsylvania.

Suit in equity to set aside the commission's amended order of June 4, 1925, 107 I. C. C. 676, Docket No. 15239, in so far as it denies to the Carnegie Steel Co. reparation on certain shipments of coal transported from points in Kentucky, Virginia, and West Virginia, to Clairton, Pa.

On October 18, 1926, the bill of complaint was filed, and on November 16, 1926, the intervention and answer of the commission were filed.

Pending hearing.

Pressed Steel Car Company, petitioner, v. The United States of America, and Interstate Commerce Commission, and the individual members of the Commission, defendants. District of New Jersey.

Suit in equity to set aside the commission's order of October 27, 1924, denying reparation, and to require the commission "to hold such further hearing and enter such further report and orders as may be necessary and appropriate under the provisions of the interstate commerce act for granting complainant such relief as it may be found to be entitled to obtain under the provisions of said act." 93 I. C. C. 224 and 109 I. C. C. 75.

On February 21, 1928, the petition was filed, and in March, 1928, the commission's motion to dismiss and answer were filed.

Pending hearing.

Alton & Southern Railroad et al., petitioners, v. United States and Interstate Commerce Commission, defendants. Northern District of California.

Suit in equity to set aside the commission's order of January 22, 1929, 151 I. C. C. 244, Docket 17143, requiring petitioners on and after May 1, 1929, to establish and maintain refrigeration charges upon dairy products on the cost-of-ice basis, in lieu of the stated refrigeration charge basis.

On November 27, 1929, the petition was filed. On April 9-10, 1930, the case was argued and submitted for decision.

Riverside Mills, et al., complainants, v. The United States of America, Interstate Commerce Commission, Alabama Great Southern Railroad Company, et al., defendants. Eastern District of Missouri.

Suit in equity to set aside the commission's order of April 5, 1927, in Dockets Nos. 13535, 14880, and others, *Consolidated Southwestern Cases*, 123 I. C. C.

203; 139 I. C. C. 535, requiring certain carriers to establish and put in force rates prescribed by the commission on classes and commodities, in carloads, between points within the southwest, and between points in western trunk-line territory, official classification territory, and southeastern territory, on the one hand, and southwestern territory on the other hand.

On July 2, 1928, the bill of complaint was filed. On July 9-10, 1928, the case was argued and submitted for decision, and on July 12, 1928, preliminary injunction was denied.

Pending further action.

The Baltimore and Ohio Railroad Company et al., complainants, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Southern District of Ohio, Eastern Division.

Suit in equity to set aside and annul orders of the commission, dated July 14, 1928, September 7, 1928, and October 13, 1928, prescribing reasonable rates on livestock from Central Freight Association points to eastern destinations. 144 I. C. C. 731.

On October 18, 1928, the bill of complaint was filed; and on October 24, 1928, an amended bill of complaint was filed. On October 24, 1928, the intervention and answer of the commission were filed, the case was argued orally, and application for restraining order dismissed.

Pending further action.

Atlantic Coast Line Railroad Company et al., plaintiffs, v. United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Eastern District of Virginia.

Suit in equity to set aside the commission's order dated February 12, 1929, prescribing maximum reasonable refrigeration charges on fruits, vegetables, etc., from points in Florida, South Carolina, North Carolina, Georgia, and Virginia to destinations in trunk-line and New England territories. 151 I. C. C. 649, Docket 17936.

On April 17, 1929, the bill of complaint was filed. On April 23, 1929, the case was heard on application for preliminary injunction, and on April 26, 1929, preliminary injunction was denied.

Pending further action.

Akron, Canton & Youngstown Railway Company et al., plaintiffs v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Northern District of Illinois, Eastern Division.

Suit in equity to set aside the commission's orders of December 29, 1926, and July 11, 1928, prescribing maximum reasonable rates based on distance for uniform application on fertilizer and fertilizer materials, in carloads, between points in central territory. 120 I. C. C. 361; 146 I. C. C. 419, Docket No. 15912.

On September 21, 1928, the bill of complaint was filed. On November 12, 1928, the case was argued and submitted for decision, and on May 23, 1929, the injunction was denied and the bill dismissed for want of equity. On August 30, 1929, the final decree was entered.

Pending appeal.

The Baltimore & Ohio Railroad Company et al., petitioners, v. United States of America, respondent, and Interstate Commerce Commission, intervening respondent. District of New Jersey.

Suit in equity to set aside the commission's orders of November 5, 1927, May 7, 1929, and February 4, 1930, in Docket No. 18672, *Hoboken Mfrs. R. R. v. A., T. & S. F. Ry. Co. et al.*, prescribing just and reasonable divisions to be received by the Hoboken out of joint rates on silk from points on the Pacific Coast to destinations upon its lines. 132 I. C. C. 579; 155 I. C. C. 330.

On March 11, 1930, the petition was filed, and on June 17, 1930, the case was argued and submitted for decision. In September, 1930, a permanent injunction was granted as to the commission's order of November 5, 1927, because of lack of evidence held to be necessary in the *Brimstone Divisions case* (276 U. S. 104), and as to order of May 7, 1929, because making adjustment of divisions retroactive based on evidence subsequently put into the record. The order of February 4, 1930, prescribing divisions on and after March 10, 1930, was not enjoined.

The Merchants Warehouse Company, petitioner, v. United States of America and Interstate Commerce Commission, respondents.

The Philadelphia Warehousing & Cold Storage Company, petitioner, v. United States of America and Interstate Commerce Commission, respondents.

The Pennsylvania Warehousing & Safe Deposit Company, petitioner, v. United States of America and Interstate Commerce Commission, respondents. Eastern District of Pennsylvania.

Suits in equity to enjoin the commission's order of December 28, 1929, in *James Gallagher et al. v. Penna. Railroad Company*, Docket 20968; *Walter A. Bailey et al. v. Balto. & Ohio R. Co.*, Docket 20968 (Sub. No. 1), and *Rex & Company, Inc., et al. v. Reading Co.*, Docket 20968 (Sub. No. 2), 160 I. C. C. 563, requiring defendant railroads to cease and desist from publishing or making allowances to certain warehouse companies in connection with the loading and unloading of package freight at Philadelphia, and to cancel their tariff provisions which make the warehouses of such companies parts of the defendants' station facilities at Philadelphia, Pa.

In February, 1930, the petition was filed. On March 26-27-28, 1930, the case was argued and submitted for decision, and on October 8, 1930, the commission's order was sustained and the bills were dismissed.

Texas & Pacific Railway Company, petitioner, v. United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Southern District of Texas, Galveston Division.

Suit in equity to set aside the commission's orders in Docket No. 12798, *Galveston Commercial Asso. v. Galveston, Harrisburg & San Antonio Ry. Co. et al.*, 160 I. C. C. 345, requiring carriers to cease and desist from charging the same rates between points on the Texas & Pacific and the Louisiana Railway & Navigation Co. and Texas ports, as between said points and New Orleans, on export, import, and coastwise traffic, and prescribing nonprejudicial relationships for future rates.

On February 11, 1930, the petition was filed. On May 1-2, 1930, the case was argued and submitted for decision, and on June 16, 1930, the order of the commission was sustained. The final decree was entered on June 24, 1930.

Pending appeal.

Louisiana & Arkansas Railway Company et al., petitioners, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Southern District of Texas, Galveston Division.

Suit in equity to set aside the commission's orders in Docket No. 12798, *Galveston Commercial Asso. v. Galveston, Harrisburg & San Antonio Ry. Co. et al.*, 160 I. C. C. 345, requiring carriers to cease and desist from charging the same rates between points on the Texas & Pacific and the Louisiana Railway & Navigation Co., and Texas ports, as between said points and New Orleans, on export, import, and coastwise traffic, and prescribing nonprejudicial relationships for future rates.

On March 7, 1930, the petition was filed. On May 1-2, 1930, the case was argued and submitted for decision, and on June 16, 1930, the order of the commission was sustained. The final decree was entered on June 24, 1930.

Pending appeal.

Georgia Public Service Commission et al., petitioners, v. United States of America and Interstate Commerce Commission, defendants. Northern District of Georgia, Atlanta Division.

Suit in equity to set aside the commission's order of December 9, 1929, in Docket 17517, *Rates on Chert, Sand, Gravel, etc., in the State of Georgia*, 160 I. C. C. 309, requiring certain carriers to establish rates for the transportation of sand, gravel, etc., within the State of Georgia, for the purpose of removing undue prejudice and unjust discrimination found to exist between State rates and certain interstate rates applicable to the transportation of like traffic.

On February 20, 1930, the bills of complaint were filed. On February 27, 1930, the case was heard on application for preliminary injunction, and on February 28, 1930, the preliminary injunction was denied. On June 23, 1930, the case was argued and submitted on final hearing, and on July 5, 1930, the order of the commission was sustained.

Pending appeal.

State Highway Board of Georgia et al., petitioners, v. United States of America and Interstate Commerce Commission, defendants. Northern District of Georgia, Atlanta Division.

Suit in equity to set aside the commission's order of December 9, 1929, in Docket 17517, *Rates on Chert, Sand, Gravel, etc., in the State of Georgia*, 160 I. C. C. 309, requiring certain carriers to establish rates for the transportation of sand, gravel, etc., within the State of Georgia, for the purpose of removing undue prejudice and unjust discrimination found to exist between State rates and certain interstate rates applicable to the transportation of like traffic.

On February 25, 1930, the petition was filed. On February 27, 1930, the case was heard on application for preliminary injunction, and on February 28, 1930, the preliminary injunction was denied. On June 23, 1930, the case was argued and submitted on final hearing, and on July 5, 1930, the order of the commission was sustained.

Pending appeal.

A. Spates Brady, complainant, v. Interstate Commerce Commission and the United States of America, defendants. Northern District of West Virginia.

Suit in equity to set aside the commission's report and order dated February 28, 1929, in so far as the commission reduced the amount of reparation claimed by the complainant from \$57,735.11 to \$12,838.31. Docket 15270, 102 I. C. C. 19; 152 I. C. C. 325.

On January 17, 1930, the bill of complaint was filed. On April 19, 1930, the case was argued and submitted for decision. On September 19, 1930, the bill was dismissed on the ground that the court was without jurisdiction, and a final decree was entered.

United States Feldspar Corporation, petitioner, v. The United States of America, Fonda, Johnstown and Gloversville Railroad Company, New York Trust Company and Board of Hudson River Regulating District, respondents, and Interstate Commerce Commission, intervening respondents. Northern District of New York.

Suit in equity to set aside the commission's certificate dated December 10, 1929, certifying that the present and future public convenience and necessity permit the abandonment by the Fonda, Johnstown & Gloversville Railroad Company of its line between Broadalbin Junction and Northville in Fulton County, New York. 158 I. C. C. 379, F. D. 7708.

On January 20, 1930, the petition was filed. On February 3, 1930, the case was argued and submitted for decision, and later in February, 1930, the petition was dismissed and the certificate of the commission sustained.

Pending further action.

The New York Central Securities Corporation, petitioner, v. The United States of America, The Interstate Commerce Commission, The New York Central Railroad Company, The Cleveland, Cincinnati, Chicago & St. Louis Railway Company, and The Michigan Central Railroad Company, defendants. Southern District of New York.

Suit in equity to set aside the commission's order of July 2, 1929, in F. D. 5690, *Acquisition of Control by New York Central Railroad Company*, and F. D. 5688, *Acquisition of Control by Cleveland, Cincinnati, Chicago & St. Louis Railway Company*, authorizing the acquisition by lease of the Cincinnati Northern Railroad Company and of the Evansville, Indianapolis & Terre Haute Railway Company by the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, and the acquisition by lease of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company and certain controlled lines by the New York Central Railroad Company. 150 I. C. C. 278 and 154 I. C. C. 489.

On August 21, 1929, the petition was filed. On October 11, 1929, the commission's answer was filed, and on December 28, 1929, a supplemental petition was filed, to which the commission made answer on January 6, 1930.

Chicago, Rock Island & Pacific Railway Company et al., petitioners, v. The United States of America and Interstate Commerce Commission, defendants. Northern District of Illinois, Eastern Division.

Suit in equity to set aside certain portions of the commission's order of July 15, 1930, in Docket No. 17801, *Rules for Car Hire Settlement*, 165 I. C. C. 495, which made provision for car per diem payments, allowance of switching reclaims, car per diem accruals reports, etc.

On September 19, 1930, the petition was filed. On October 27, 1930, the case was argued and submitted for decision.

Interstate Commerce Commission, plaintiff, v. Piedmont & Northern Railway Company, defendant. Western District of South Carolina.

Suit in equity to enjoin the Piedmont & Northern Railway Company from constructing extensions of its lines for which authority had been refused by the commission.

On April 16, 1930, the petition was filed, and on May 12, 1930, an amended petition was filed. On October 20-31, 1930, a hearing was held and evidence submitted.

Oregon-Washington Railroad & Navigation Company, petitioner, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant. District of Oregon.

Suit in equity to set aside the commission's order of December 3, 1929, in Docket 19680, requiring the Oregon-Washington Railroad & Navigation Company to extend its line of railroad from its present terminus near Burns, Oreg., to a connection with the Cascade Line of the Southern Pacific Company near Crescent Lake, Oreg. 159 I. C. C. 630.

On May 28, 1930, the petition was filed. On September 29, 1930, the case was argued and submitted for decision.

Louisiana Public Service Commission, et al., plaintiffs, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Eastern District of Louisiana, Baton Rouge Division.

Suit in equity to set aside that part of the commission's order of June 3, 1929, in Docket No. 17000, *Rate Structure Investigation*, Part II, Sand and Gravel, 155 I. C. C. 247, which prescribes intrastate rates in western Louisiana south of the line of the Vicksburg, Shreveport & Pacific Railway, and which prescribes joint rates, including ferry-transfer charges, for Mississippi River crossings at New Orleans, Harahan, Baton Rouge, and Angola, La., and Natchez and Vicksburg, Miss.

On November 20, 1929, the bill of complaint was filed. On January 16, 1930, the case was argued and submitted for decision, and on June 11, 1930, the commission's order was sustained, and a final decree dismissing the bill was entered.

Pending appeal.

Indian Valley Railroad, petitioner, v. United States and Interstate Commerce Commission, defendants. Northern District of California, Southern Division.

Suit in equity to set aside and annul the commission's order of June 9, 1930, granting to the Great Northern Railway permission to construct and operate a line of railroad in Klamath County, Oreg., and in Siskiyou County, Calif., and granting permission jointly to the Great Northern and Western Pacific to construct and operate a line of railroad in Modoc and Siskiyou Counties, Calif. F. D. 7439, 7440, and 7781, 166 I. C. C. 3.

On September 26, 1930, the petition was filed.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

United States ex rel. Empire and Southeastern Railway Company, a branch of The T. Wilce Company, appellant, v. Interstate Commerce Commission, appellee.

Petition for writ of mandamus to compel the commission to accord to the relator hearing on its deficit claim under section 204 of the transportation act. 117 I. C. C. 609, F. D. 5735.

On October 27, 1928, the petition was filed. On May 13, 1929, after argument, the petition was dismissed by the Supreme Court of the District of Columbia, and on November 5, 1929, the appeal was docketed in the Court of Appeals of the District of Columbia. On October 6, 1930, the case was argued and submitted for decision.

Southern Transportation Company et al., appellants, v. Interstate Commerce Commission, appellee.

Suit in equity to set aside, annul, and enjoin the commission's order of September 13, 1928, in Docket No. 14877, *Southern Transportation Co. et al. v. Norfolk & Western Ry. Co. et al.*, dismissing a complaint asking for reparation on account of payment of wharfage charges, by owners of vessels taking on bunker coal at coal-loading docks at Norfolk, Va., to owners of said

docks, which were not published or filed in accordance with section 6 of the interstate commerce act when they were collected by the carriers. 147 I. C. C. 29.

On February 12, 1929, the petition was filed. On April 24, 1929, the case was argued and submitted for decision to the Supreme Court of the District of Columbia, and on May 28, 1929, that court dismissed the petition. On July 2, 1929, the appeal was docketed in the Court of Appeals of the District of Columbia.

Pending hearing.

SUPREME COURT OF THE DISTRICT OF COLUMBIA

United States of America ex rel. United Railway Company, a Corporation, plaintiff, v. Interstate Commerce Commission, respondent.

Petition for writ of mandamus to compel the commission to ascertain the amount of the carrier's deficit for the Federal control period, and to certify to the Secretary of the Treasury that the amount is payable to the carrier under section 204 of the transportation act, 1920. 86 I. C. C. 661.

On March 16, 1926, the petition was filed, and on March 25, 1926, the answer of the commission was filed.

Pending further action.

United States ex rel. Calumet, Hammond & Southeastern Railroad Company, relator, v. Interstate Commerce Commission, respondent.

Petition for writ of mandamus to compel the commission to set aside its order of May 25, 1929, in F. D. 6190, dismissing the carrier's deficit claim under section 204 of the transportation act, 1920, and to consider the claim "upon its merits." 154 I. C. C. 229.

On November 21, 1929, the petition was filed, and the order to show cause, issued. On December 12, 1929, the answer of the commission was filed.

Pending further action.

APPENDIX C

STATISTICAL SUMMARIES

- A. Statistics of Railway Development since 1910.
- B. Statistics from Monthly and other Periodical Reports of Carriers.

A. STATISTICS OF RAILWAY DEVELOPMENT

In the following tables slight adjustments have been made in some of the figures heretofore published, in order to allow as fully as possible for changes in methods of compilation. It should be observed also that the figures in this section for the last calendar year are based on special and preliminary compilations, made mostly from annual reports of railway companies, and are subject to changes necessitated by subsequent corrections in returns or otherwise.

TABLE I.—Mileage operated and mileage owned by steam railways in the United States, not including switching and terminal companies, 1910–1929

Year ended—	Miles of road owned in the United States ¹	Mileage operated by railways of Classes I, II, and III (including trackage rights)			
		Miles of road	Miles of second or additional main tracks	Miles of yard tracks and sidings	Miles of all tracks
June 30—					
1910	240, 293	240, 831	25, 354	85, 582	351, 767
1911	243, 979	246, 238	27, 612	88, 974	362, 824
1912	246, 777	249, 852	29, 367	92, 019	371, 238
1913	249, 777	253, 470	30, 827	95, 211	379, 508
1914	252, 105	256, 547	32, 376	98, 285	387, 208
1915	253, 789	257, 569	33, 662	99, 910	391, 141
1916	254, 251	259, 211	33, 864	101, 869	394, 944
Dec. 31—					
1916	254, 037	259, 705	34, 325	102, 984	397, 014
1917	253, 626	259, 705	35, 066	105, 582	400, 353
1918	253, 529	258, 507	36, 228	107, 608	402, 343
1919	253, 152	258, 525	36, 730	108, 637	403, 892
1920	252, 845	259, 941	36, 894	109, 744	406, 579
1921	251, 176	258, 362	37, 614	111, 555	407, 531
1922	250, 413	257, 425	37, 888	114, 046	409, 359
1923	250, 222	258, 084	38, 697	116, 212	412, 993
1924	250, 156	258, 238	39, 916	116, 874	415, 028
1925	249, 398	258, 631	40, 962	118, 361	417, 954
1926	249, 138	258, 815	41, 686	120, 840	421, 341
1927	249, 131	259, 639	42, 071	123, 027	424, 737
1928	249, 309	260, 546	42, 432	124, 772	427, 750
1929	249, 433	260, 570	42, 711	125, 773	429, 054

¹ Includes mileage of some small companies that do not make annual reports to the commission.

TABLE II.—Equipment of steam railways in service at the close of each year, 1910–1929 ¹

Year ended—	Number of locomotives	Average tractive power	Number of freight cars (excluding caboose)	Average capacity	Number of passenger-train cars
June 30—		<i>Pounds</i>		<i>Tons</i>	
1910	60, 019	27, 232	2, 148, 478	35. 9	47, 179
1911	62, 463	28, 291	2, 208, 997	36. 9	49, 906
1912	63, 463	29, 049	2, 229, 163	37. 4	51, 583
1913	65, 597	30, 258	2, 298, 478	38. 3	52, 717
1914	67, 012	31, 006	2, 349, 734	39. 1	54, 492
1915	66, 502	31, 501	2, 341, 567	39. 7	55, 810
1916	65, 314	32, 380	2, 313, 378	40. 5	54, 774
Dec. 31—					
1916	65, 595	32, 840	2, 329, 475	40. 9	55, 193
1917	66, 070	33, 932	2, 379, 472	41. 5	55, 939
1918	67, 936	34, 995	2, 397, 943	41. 6	56, 611
1919	68, 977	35, 789	2, 426, 889	41. 9	56, 290
1920	68, 942	36, 365	2, 388, 424	42. 4	56, 102
1921	69, 122	36, 935	2, 378, 510	42. 5	56, 950
1922	68, 518	37, 441	2, 352, 483	43. 1	56, 827
1923	69, 414	39, 177	2, 379, 131	43. 8	57, 159
1924	69, 486	39, 891	2, 411, 627	44. 3	57, 451
1925	68, 092	40, 666	2, 414, 083	44. 8	56, 814
1926	66, 847	41, 886	2, 403, 967	45. 1	56, 855
1927	65, 348	42, 798	2, 378, 800	45. 5	55, 729
1928	63, 311	43, 838	2, 346, 751	45. 8	54, 800
1929	61, 257	44, 801	2, 323, 980	46. 3	53, 838

¹ The figures relating to the number of locomotives and cars as published have been adjusted to cover all operating roads each year, but the figures showing average tractive power of locomotives and average capacity of freight cars are as published in the Statistics of Railways. The fact that the same classes of railways have not been covered each year affects these averages only slightly. Privately owned cars are not included.

TABLE III.—*Railway capital actually outstanding and net income, 1910-1929: Steam railways, excluding switching and terminal companies*

Year ended—	Total railway capital	Funded debt	Stock	Ratio of debt to capital	Net income	Ratio of net income to stock
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Per cent</i>		<i>Per cent</i>
1910.....	\$17,774,426	\$9,763,696	\$8,010,730	54.9	\$583,191,124	7.28
1911.....	18,437,820	10,074,545	8,363,275	54.6	547,280,771	6.54
1912.....	18,989,345	10,436,898	8,552,447	55.0	453,125,324	5.30
1913.....	19,028,635	10,428,543	8,599,992	54.8	544,201,074	6.33
1914.....	19,401,083	10,746,868	8,654,215	55.4	395,631,642	4.57
1915.....	19,719,893	11,084,574	8,635,319	56.2	354,786,729	4.11
1916.....	19,681,193	10,938,086	8,743,106	55.6	671,398,243	7.68
Dec. 31—						
1916.....	19,630,610	10,875,206	8,755,403	55.4	735,341,165	8.40
1917.....	19,764,941	10,761,145	9,003,796	54.5	658,224,696	7.31
1918.....	19,453,272	10,606,556	8,846,716	54.5	442,336,131	5.00
1919.....	19,539,283	10,656,153	8,883,124	54.5	496,609,104	5.59
1920.....	20,098,046	11,254,946	8,843,100	56.0	481,950,969	5.45
1921.....	20,247,686	11,357,766	8,889,920	56.1	350,539,608	3.94
1922.....	20,463,595	11,501,958	8,961,636	56.2	434,459,186	4.85
1923.....	21,057,513	11,964,580	9,092,933	56.8	632,117,581	6.95
1924.....	21,680,783	12,380,730	9,300,053	57.1	623,399,393	6.70
1925.....	21,734,095	12,320,995	9,413,100	56.7	771,053,077	8.19
1926.....	21,748,806	12,383,534	9,365,271	56.9	883,421,795	9.43
1927.....	21,848,928	12,309,438	9,539,490	56.3	741,923,916	7.78
1928.....	22,025,588	12,303,510	9,722,078	55.9	855,017,540	8.79
1929.....	22,306,752	12,459,441	9,847,311	55.9	977,229,694	9.92

TABLE IV.—*Dividends, 1910-1929: Steam railways, excluding switching and terminal companies*

Year ended—	Proportion of stock paying dividends ¹	Amount of dividends ¹	Average rate on	
			Dividend-paying stock ¹	All stock
June 30—	<i>Per cent</i>		<i>Per cent</i>	<i>Per cent</i>
1910.....	66.71	\$405,771,416	7.50	5.00
1911.....	67.65	460,195,376	8.03	5.42
1912.....	64.73	400,315,313	7.17	4.64
1913.....	66.14	369,077,546	6.38	4.22
1914.....	64.39	451,653,346	7.97	5.13
1915.....	60.45	328,477,938	6.29	3.80
1916.....	60.38	342,109,396	6.48	3.91
Dec. 31—				
1916.....	62.02	366,561,494	6.75	4.19
1917.....	62.32	381,851,543	6.81	4.24
1918.....	58.09	339,185,658	6.60	3.83
1919.....	59.64	335,241,935	6.33	3.77
1920.....	57.30	331,102,938	6.52	3.74
1921.....	56.92	456,482,092	9.02	5.13
1922.....	59.38	338,805,695	6.37	3.78
1923.....	62.09	411,881,766	7.30	4.53
1924.....	64.97	385,129,890	6.37	4.14
1925.....	66.70	409,645,051	6.52	4.35
1926.....	69.12	473,682,830	7.32	5.06
1927.....	70.25	567,280,717	8.47	5.95
1928.....	73.65	510,017,987	7.12	5.25
1929.....	76.23	560,901,941	7.47	5.70

¹ Includes figures for lessors and operating railways without excluding duplications on account of inter-corporate payments.

² Includes unusual items amounting to \$76,299,528 not representing cash.

TABLE V.—*Reported property investment and certain income items, 1910-1929: Operating steam railways, excluding switching and terminal companies*

Year ended—	Investment ¹	Investment per mile of road	Depreciation reserve ²	Net railway operating income ³	Other income ⁴	Interest, rents, and other deductions ⁵	Dividends declared ⁶
June 30—	<i>Thousands</i>		<i>Thousands</i>	<i>Thousands</i>			
1910 ⁷ -----	\$14,557,816	\$64,382	⁸ \$210,465	\$805,097	\$222,914,561	\$511,416,980	\$351,202,272
1911-----	15,612,378	66,515	⁸ 259,661	744,669	276,361,692	529,919,727	403,417,363
1912-----	16,004,744	67,397	⁸ 327,846	727,458	221,591,272	549,229,407	347,354,133
1913-----	16,588,603	69,780	435,834	806,800	243,599,221	564,413,747	327,967,396
1914-----	17,153,785	72,078	511,451	674,189	246,186,804	576,486,952	380,339,400
1915-----	17,441,420	73,207	571,359	694,276	189,300,358	575,197,902	264,267,107
1916-----	17,689,425	73,794		1,002,934	195,457,547	594,378,443	286,618,168
Dec. 31—							
1916-----	17,842,776	74,465	628,934	1,058,505	213,324,109	623,179,643	311,876,409
1917-----	18,574,297	77,162	796,395	950,556	⁹ 233,252,283	⁹ 574,290,447	325,600,752
1918-----	18,984,756	78,820	936,978	946,223	(⁹)	⁹ 667,587,844	279,929,286
1919-----	19,300,120	79,974	1,009,321	454,132	(⁹)	⁹ 630,558,985	281,569,422
1920-----	19,849,319	81,954	1,083,540	12,100	(⁹)	⁹ 640,515,977	275,348,254
1921-----	20,329,223	84,530	1,239,418	601,138	⁹ 375,000,544	⁹ 662,375,138	403,990,775
1922-----	20,580,168	86,003	1,338,401	769,411	⁹ 265,032,855	⁹ 655,646,742	275,721,615
1923-----	21,372,858	89,619	1,411,100	974,917	⁹ 260,655,476	⁹ 667,615,629	353,126,804
1924-----	22,182,267	93,232	1,552,886	984,463	⁹ 269,187,830	⁹ 684,558,676	325,983,454
1925-----	¹⁰ 23,230,916	94,917	1,684,320	1,136,728	⁹ 268,142,018	⁹ 688,386,995	349,089,172
1926-----	¹⁰ 23,880,740	97,433	1,815,373	1,229,020	⁹ 297,929,200	⁹ 701,964,964	411,207,813
1927-----	¹⁰ 24,453,871	99,546	1,952,176	1,077,842	⁹ 311,198,385	⁹ 706,284,071	¹¹ 503,145,871
1928-----	¹⁰ 24,875,984	100,974	2,049,962	1,182,467	⁹ 320,011,315	⁹ 706,051,831	436,216,604
1929-----	¹⁰ 25,465,036	103,197	2,169,736	1,262,636	⁹ 359,746,519	⁹ 714,637,846	495,244,969

¹ The figures shown for the years 1910 to 1924, inclusive, include investment of leased lines and exclude investment of proprietary companies which do not render annual reports; notably the proprietary roads in the Baltimore & Ohio system. They include some duplications in the Atchison, Topeka & Santa Fe system. If these facts were taken into account, the total shown for 1919, as compiled in a special statement, would be increased to approximately \$19,565,646,081, not including the investment of switching and terminal companies amounting to \$502,135,624, but including \$54,114,333, investment of 13 switching and terminal companies subsidiary to Class I systems, and \$1,083,224, investment of 3 carriers by water, also subsidiary to Class I systems.

² Includes depreciation on "Miscellaneous physical property" for years prior to 1929. The figure shown for 1929 covers depreciation on road and equipment, and excludes depreciation on "Miscellaneous physical property" amounting to \$7,131,448.

³ This term as defined in the interstate commerce act means "railway operating income, including in the computation thereof debits and credits arising from equipment rents and joint facility rents."

⁴ Includes amounts received as interest or dividends on railroad securities owned by reporting carriers. See Statistics of Railways, Statement No. 34.

⁵ These correspond approximately to what are commonly called "fixed charges."

⁶ Does not exclude duplication on account of intercorporate payments.

⁷ Investment for 1910 originally published is increased by \$170,000,000, estimated reserve for accrued depreciation to make totals comparable with those for other years.

⁸ Does not include returns for Class II and Class III railways.

⁹ Reported figures not comparable with those for other years on account of Federal control accounting requirements.

¹⁰ Includes investment of proprietary companies as follows: 1925, \$493,922,931; 1926, \$831,574,153; 1927 \$919,095,241; 1928, \$1,013,752,199; and 1929, \$1,051,468,673.

¹¹ Includes unusual items amounting to \$76,299,528 not representing cash.

TABLE VI.—Operating revenues, operating expenses, and taxes, 1910–1929

Year ended—	Operating revenues	Operating expenses	Railway tax accruals	Ratio to revenues		
				Maintenance of way and structures	Maintenance of equipment	Total operating expenses
	<i>Thousands</i>	<i>Thousands</i>		<i>Per cent</i>	<i>Per cent</i>	<i>Per cent</i>
June 30—						
1910 ¹	\$2,812,141	\$1,881,879	\$103,853,576	13.10	14.69	66.92
1911 ¹	2,852,854	1,976,331	108,309,512	12.83	15.02	69.28
1912 ¹	2,906,415	2,035,057	120,091,534	12.64	15.50	70.02
1913 ¹	3,208,647	2,249,277	128,024,867	13.25	16.00	70.10
1914 ¹	3,126,520	2,279,408	141,225,691	13.55	17.09	72.91
1915 ¹	2,956,193	2,088,682	139,298,167	12.91	17.25	70.65
1916 ¹	3,472,641	2,277,202	151,599,841	12.14	16.42	65.58
Dec. 31—						
1916 ¹	3,691,065	2,426,250	163,450,852	11.90	16.50	65.73
1917 ¹	4,115,413	2,906,283	220,586,491	11.03	17.11	70.62
1917 ²	4,014,142	2,829,325	215,861,346	11.01	17.08	70.48
1918 ²	³ 4,880,202	⁴ 3,971,870	224,599,115	13.31	22.55	81.39
1919 ²	³ 5,144,466	⁴ 4,378,285	233,716,608	15.00	23.79	85.11
1920 ²	6,178,120	5,830,620	283,813,929	16.71	25.74	94.38
1921 ²	5,516,598	4,562,668	277,899,481	13.71	22.69	82.71
1922 ²	5,559,092	4,414,522	302,195,425	13.11	22.53	79.41
1923 ²	6,289,580	4,895,166	333,033,560	12.94	23.29	77.83
1924 ²	5,921,496	4,507,885	342,449,048	13.39	21.28	76.13
1925 ²	6,122,509	4,536,880	360,250,671	13.34	20.58	74.10
1926 ²	6,382,939	4,669,336	388,922,856	13.58	20.10	73.15
1927 ²	6,136,300	4,574,177	376,110,250	14.15	19.87	74.54
1928 ²	6,111,736	4,427,995	389,432,415	13.71	19.09	72.45
1929 ²	6,279,521	4,506,056	396,682,634	13.62	19.16	71.76

¹ Roads of Classes I, II, and III.² Class I railways only.³ Excludes corporate revenues of companies whose properties were under Federal control.⁴ Excludes corporate expenses of companies whose properties were under Federal control.

TABLE VII.—Number and compensation of employees, 1910–1929

Year ended—	Average number of employees during year	Compensation of railway employees ¹		
		Total	Ratio to revenues	Ratio to expenses
June 30—		<i>Thousands</i>	<i>Per cent</i>	<i>Per cent</i>
1910 ²		\$1,143,725	40.67	60.78
1911 ²		1,208,466	42.36	61.15
1912 ²		1,252,347	43.00	61.54
1913 ²		1,381,334	43.05	61.41
1914 ²		1,381,117	44.17	60.59
1915 ²		1,242,319	42.02	59.48
1916 ²		1,403,968	40.43	61.65
Dec. 31—				
1916 ²		1,506,960	40.83	62.11
1917 ²		1,783,214	43.33	61.36
1917 ³		1,732,876	43.33	61.48
1918 ³	⁴ 1,837,663	⁴ 1,739,482	53.40	65.62
1919 ³	⁴ 1,908,169	⁴ 2,828,014	54.97	64.59
1920 ³	2,022,832	3,681,801	59.59	62.15
1921 ³	1,659,513	2,765,218	50.13	60.61
1922 ³	1,626,834	2,640,817	47.50	59.82
1923 ³	1,857,674	3,004,071	47.76	61.37
1924 ³	1,751,362	2,825,775	47.72	62.69
1925 ³	1,744,311	2,860,599	46.72	63.05
1926 ³	1,779,275	2,946,114	46.16	63.09
1927 ³	1,735,105	2,910,182	47.43	63.62
1928 ³	1,656,411	2,826,590	46.25	63.83
1929 ³	1,660,850	2,896,566	46.13	64.28

¹ In 1929, 92.32 per cent of the reported compensation was chargeable to operating expenses.² Railways of Classes I, II, and III, excluding switching and terminal companies.³ Class I railways only, excluding switching and terminal companies.⁴ Data for 1918 and 1919 do not cover employees of corporate organizations whose properties were under Federal control.

TABLE VIII.—*Transportation service performed by steam railways, 1910–1929, excluding switching and terminal companies*

Year ended—	Freight service					Passenger service		
	Revenue tons originated	Revenue tons carried 1 mile	Loaded car-miles	Average haul		Passengers carried	Passenger-miles	Average journey per passenger
				United States as a system	For the individual road			
June 30—	<i>Thousands</i>	<i>Millions</i>	<i>Millions</i>	<i>Miles</i>	<i>Miles</i>	<i>Millions</i>	<i>Millions</i>	<i>Miles</i>
1910.....	1,026,491	255,017	12,851	249.68	138.31	972	32,338	33.50
1911.....	1,003,053	253,784	12,859	254.10	142.88	997	33,202	33.48
1912.....	1,061,206	264,081	13,081	256.87	145.44	1,004	33,132	33.18
1913.....	1,182,547	301,730	14,292	255.15	144.40	1,044	34,673	33.31
1914.....	1,129,992	288,637	13,688	255.43	144.17	1,063	35,357	33.25
1915.....	1,023,802	277,135	13,111	270.69	151.55	986	32,475	32.95
1916.....	1,262,862	343,477	15,343	271.98	152.25	1,015	34,309	33.79
Dec. 31—								
1916.....	1,317,245	366,174	16,042	277.98	155.99	1,049	35,220	33.58
1917.....	1,382,004	398,263	16,088	288.18	162.33	1,110	40,100	36.13
1918.....	1,376,844	408,778	15,163	296.89	165.02	1,123	43,212	38.48
1919.....	1,189,765	367,161	14,433	308.60	168.02	1,211	46,838	38.68
1920.....	1,362,999	413,699	15,489	303.52	170.41	1,270	47,370	37.30
1921.....	1,017,817	309,533	12,591	304.11	171.12	1,061	37,706	35.53
1922.....	1,111,822	342,188	14,077	307.77	173.29	990	35,811	36.19
1923.....	1,387,754	416,256	16,532	299.94	166.29	1,099	38,294	37.97
1924.....	1,287,412	391,945	16,020	304.44	168.12	950	36,368	38.26
1925.....	1,351,155	417,418	17,001	308.93	169.43	902	36,167	40.10
1926.....	1,439,612	447,444	17,925	310.81	170.29	875	35,673	40.79
1927.....	1,372,547	432,014	17,561	314.75	172.11	840	33,798	40.23
1928.....	1,371,359	436,087	17,938	318.00	174.14	798	31,718	39.72
1929.....	1,419,383	450,189	18,358	317.17	174.20	786	31,165	39.63

TABLE IX.—*Carload, trainload, and density of traffic, 1910–1929*

Year ended—	Tons per loaded freight car	Revenue tons per train	Passengers per car	Passengers per train	Revenue ton-miles per mile of road	Passenger-miles per mile of road
June 30—						
1910 ¹	19.84	380	16	56	1,071,086	138,169
1911 ¹	19.74	383	16	55	1,053,566	139,191
1912 ¹	20.18	407	15	53	1,078,580	136,699
1913 ²	21.11	445	15	55	1,245,158	143,067
1914 ²	21.09	452	15	56	1,176,923	144,278
1915 ²	21.15	474	15	53	1,121,059	131,165
1916 ²	22.40	535	15	55	1,380,349	137,818
Dec. 31—						
1916 ²	22.83	550	15	56	1,470,274	141,305
1916 ³	24.98	560	16	57	1,569,084	149,795
1917 ³	27.02	597	17	65	1,698,825	170,088
1918 ³	29.30	628	20	76	1,738,305	183,066
1919 ³	27.66	631	21	82	1,558,081	198,345
1920 ³	29.13	647	20	80	1,748,451	199,708
1921 ³	27.32	579	16	67	1,308,938	159,551
1922 ³	26.65	611	16	65	1,444,840	151,410
1923 ³	27.83	644	16	67	1,754,901	161,777
1924 ³	26.88	647	15	63	1,649,318	153,618
1925 ³	26.86	675	15	63	1,749,147	152,319
1926 ³	27.35	701	14	61	1,875,304	150,280
1927 ³	27.06	702	14	59	1,801,414	141,800
1928 ³	26.59	718	13	56	1,802,703	131,971
1929 ³	26.85	730	13	55	1,851,620	129,011

¹ Class I, Class II, and Class III railways.² Class I and Class II railways.³ Class I railways only.⁴ Includes nonrevenue tonnage

TABLE X.—Average receipts per ton, per ton-mile, per passenger, and per passenger-mile, 1910-1929

Year ended—	Average amount received for each ton originated	Revenue per ton-mile	Average receipts per passenger	Revenue per passenger-mile
June 30—		<i>Cents</i>		<i>Cents</i>
1910.....	\$1 876	0 753	\$0.646	1.938
1911.....	1 920	.757	.658	1.974
1912.....	1.909	.744	.657	1.987
1913.....	1.869	1.729	1.672	12.008
1914.....	1.881	.737	.662	1.990
1915.....	1.991	.735	.656	1.991
1916.....	1.955	.719	.679	2.010
Dec. 31—				
1916.....	1.997	.719	.689	2.051
1917.....	2.096	.728	.758	2.097
1918.....	2.558	.862	.932	2.421
1919.....	3.047	.987	.985	2.548
1920.....	3.243	1.069	1.027	2.755
1921.....	3.934	1.294	1.059	3.093
1922.....	3.675	1.194	1.099	3.037
1923.....	3.396	1.132	1.149	3.026
1924.....	3.447	1.132	1.142	2.985
1925.....	3.440	1.114	1.181	2.944
1926.....	3.408	1.096	1.200	2.941
1927.....	3.445	1.095	1.167	2.901
1928.....	3.479	1.094	1.134	2.854
1929.....	3.452	1.088	1.114	2.811

¹ Class I and II railways.

TABLE XI.—Fuel consumed by locomotives, and rails and ties laid, Class I steam railways, not including switching and terminal companies

Year ended 1—	Bituminous coal	Anthracite coal	Fuel oil	Total fuel ²	Rails applied in replacement and betterment	Ties laid in previously constructed tracks	
						Crossties	Switch and bridge ties
Dec. 31—	<i>Net tons</i>	<i>Net tons</i>	<i>Gallons</i>	<i>Net tons</i>	<i>Long tons</i>	<i>Number</i>	<i>Feet (b. m.)</i>
1917.....	133,421,457	5,293,301	1,804,889,338	150,230,647	2,046,575	79,070,201	208,526,311
1918.....	134,214,480	3,615,697	1,638,956,953	148,122,435	1,883,393	76,139,310	222,927,474
1919.....	119,692,067	2,981,959	1,586,061,174	132,620,935	2,335,300	80,903,216	248,440,195
1920.....	135,413,695	3,860,970	1,929,670,624	151,405,712	2,506,961	86,829,307	246,195,929
1921.....	107,910,146	2,643,724	1,661,443,618	121,006,242	2,588,313	86,521,566	256,287,730
1922.....	113,163,083	2,472,652	1,828,125,050	127,213,343	2,618,556	86,641,834	258,186,478
1923.....	131,491,561	2,614,576	2,334,365,782	148,921,714	3,138,972	84,434,985	277,615,107
1924.....	117,247,005	2,678,601	2,475,896,579	135,617,320	3,184,536	83,073,059	291,288,388
1925.....	117,714,426	2,174,143	2,457,826,755	135,419,983	3,484,641	82,716,674	282,629,608
1926.....	122,822,853	2,005,403	2,459,677,722	140,425,844	3,818,127	80,745,509	275,971,880
1927.....	115,882,570	1,603,109	2,429,935,486	132,945,460	3,819,115	78,340,182	259,996,468
1928.....	112,381,588	1,490,261	2,498,144,389	129,742,475	3,805,651	77,370,941	269,149,270
1929.....	113,893,839	1,578,795	2,628,413,851	132,137,030	3,610,455	74,679,375	250,062,751

¹ Data not compiled prior to 1917.² In the statement of consumption of fuel by locomotives, 1 cord of hardwood is considered as equivalent to two-thirds of a ton of fuel; and 1 cord of softwood as equivalent to one-half of a ton of fuel. The ratio used in reducing fuel oil to tons of fuel is left to the experience of each road. Figures include data for cordwood; also a small amount of miscellaneous fuel.

TABLE XII.—Selected data from annual reports of Class I steam railways, 1911–1929, by districts

UNITED STATES

Year ended—	Operating revenues	Operating expenses				Net railway operating income
		Total	Maintenance of way and structures	Maintenance of equipment	Transportation—rail line	
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>
1911.....	\$2,752,497	\$1,902,994	\$348,004	\$415,590	\$954,350	\$724,185
1912.....	2,805,007	1,959,095	348,471	436,995	984,852	708,484
1913.....	3,108,361	2,173,463	406,042	499,988	1,068,018	787,610
1914.....	3,031,327	2,203,424	403,683	520,200	1,073,981	661,018
1915.....	2,871,563	2,021,161	364,004	496,740	1,002,741	683,105
1916.....	3,381,598	2,210,893	404,514	557,664	1,080,798	984,873
Dec. 31—						
1916.....	3,596,866	2,357,398	421,776	595,566	1,164,274	1,040,085
1917.....	4,014,143	2,829,325	442,110	685,429	1,506,545	934,069
1918.....	4,880,953	3,982,068	649,795	1,103,031	2,019,530	638,569
1919.....	5,144,795	4,399,716	772,186	1,226,532	2,157,058	454,985
1920.....	6,178,121	5,830,620	1,032,540	1,590,365	2,891,662	17,227
1921.....	5,516,598	4,562,668	756,414	1,251,479	2,252,091	600,937
1922.....	5,559,093	4,414,522	728,664	1,252,517	2,140,150	760,187
1923.....	6,289,580	4,895,167	813,689	1,465,157	2,309,608	961,955
1924.....	5,921,496	4,507,885	792,678	1,260,020	2,141,469	973,837
1925.....	6,122,510	4,536,880	816,443	1,259,835	2,128,471	1,121,076
1926.....	6,382,940	4,669,337	866,819	1,283,091	2,171,904	1,213,090
1927.....	6,136,300	4,574,178	868,581	1,219,052	2,127,506	1,067,985
1928.....	6,111,736	4,427,995	837,906	1,166,942	2,061,141	1,172,864
1929.....	6,279,521	4,506,056	855,355	1,202,912	2,072,043	1,251,698

Freight service statistics

Year ended—	Freight revenue	Revenue tons originated	Total revenue tons carried	Revenue tons carried 1 mile	Revenue per ton-mile	Revenue ton-miles per mile of road
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>	
1911.....	\$1,856,504	901,053	1,624,394	249,843,166	0.743	1,161,164
1912.....	1,897,693	926,465	1,684,995	259,981,628	.730	1,191,885
1913.....	2,140,083	1,067,798	1,915,002	297,722,528	.719	1,335,410
1914.....	2,059,892	1,023,131	1,843,216	284,924,750	.723	1,262,636
1915.....	1,977,933	925,697	1,684,660	273,913,007	.722	1,199,093
1916.....	2,402,211	1,151,187	2,093,093	339,807,323	.707	1,474,438
Dec. 31—						
1916.....	2,560,988	1,203,367	2,179,696	362,444,397	.707	1,569,084
1917.....	2,819,965	1,264,016	2,270,035	394,465,400	.715	1,698,825
1918.....	3,440,742	1,262,621	2,305,825	405,379,284	.849	1,738,305
1919.....	3,543,266	1,095,550	2,043,230	364,293,063	.573	1,558,081
1920.....	4,317,440	1,255,421	2,259,983	410,306,210	1.052	1,748,451
1921.....	3,911,277	940,183	1,690,763	306,840,204	1.275	1,308,938
1922.....	3,992,441	1,023,745	1,840,955	339,285,347	1.177	1,444,840
1923.....	4,606,720	1,279,030	2,333,601	412,727,228	1.116	1,754,901
1924.....	4,333,585	1,187,296	2,171,719	388,415,312	1.116	1,649,318
1925.....	4,541,646	1,247,242	2,304,275	413,814,261	1.097	1,749,147
1926.....	4,797,780	1,336,142	2,465,369	443,746,487	1.081	1,875,304
1927.....	4,632,321	1,281,611	2,363,639	428,736,962	1.080	1,801,414
1928.....	4,680,456	1,285,943	2,361,623	432,915,185	1.081	1,802,703
1929.....	4,815,448	1,339,091	2,451,601	447,321,561	1.076	1,851,620

TABLE XII.—Selected data from annual reports of Class I steam railways, 1911-1929, by districts—Continued

UNITED STATES—Continued

Year ended—	Passenger service statistics						
	Passenger revenue	Passengers carried	Passenger-miles	Revenue per passenger-mile	Passenger-miles per mile of road	Average journey per passenger	Passengers per train
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>		<i>Miles</i>	
1911.....	\$636,341	938,656	32,371,445	1.96	151,123	34.49	56
1912.....	639,819	944,265	32,316,263	1.98	149,442	34.22	55
1913.....	678,967	983,692	33,875,086	2.00	152,126	34.44	56
1914.....	683,749	1,002,350	34,566,985	1.98	153,369	34.49	57
1915.....	629,237	936,369	31,789,928	1.98	139,226	33.95	54
1916.....	673,806	968,888	33,645,908	2.00	146,029	34.73	56
Dec. 31—							
1916.....	706,609	1,005,955	34,585,952	2.04	149,795	34.38	57
1917.....	825,212	1,066,638	39,476,859	2.09	170,088	37.01	65
1918.....	1,031,563	1,084,998	42,676,579	2.41	183,066	39.33	76
1919.....	1,178,454	1,177,820	46,358,304	2.54	198,345	39.36	82
1920.....	1,286,613	1,234,862	46,848,668	2.75	199,708	37.94	80
1921.....	1,151,771	1,035,496	37,312,586	3.09	159,551	36.03	67
1922.....	1,074,108	967,409	35,469,962	3.03	151,410	36.66	65
1923.....	1,145,699	986,913	37,956,595	3.02	161,777	38.46	67
1924.....	1,075,039	932,678	36,090,886	2.98	153,618	38.70	63
1925.....	1,056,395	888,267	35,950,223	2.94	152,319	40.47	63
1926.....	1,041,816	862,361	35,477,525	2.94	150,280	41.14	61
1927.....	974,951	829,918	33,649,706	2.90	141,800	40.55	59
1928.....	901,019	790,327	31,601,342	2.85	131,971	39.99	56
1929.....	872,466	780,468	31,074,135	2.81	129,011	39.81	55

Year ended—	Freight service statistics					
	Freight train-miles	Revenue tons per train	Loaded car-miles	Empty car-miles	Tons per loaded car	Average haul per road
June 30—			<i>Thousands</i>	<i>Thousands</i>		<i>Miles</i>
1911.....	608,678,284	392.64	12,666,136	5,718,739	19.73	153.81
1912.....	594,658,218	417.63	12,890,515	5,655,789	20.17	154.29
1913.....	628,319,136	453.39	14,102,776	6,025,620	21.11	155.47
1914.....	590,833,907	460.40	13,507,268	6,426,178	21.09	154.58
1915.....	537,804,830	483.74	12,952,289	6,572,981	21.15	162.59
1916.....	594,124,091	545.10	15,170,608	6,839,846	22.40	162.38
Dec. 31—						
1916.....	617,606,223	560.24	15,869,363	6,758,685	22.84	166.28
1917.....	631,187,856	597.29	15,923,811	6,762,209	24.77	173.77
1918.....	616,151,416	628.49	15,019,410	7,161,568	¹ 29.30	175.81
1919.....	549,657,072	630.93	14,307,036	6,532,332	¹ 27.66	178.29
1920.....	607,508,144	646.87	15,356,139	7,261,785	¹ 29.13	181.55
1921.....	510,291,696	578.71	12,474,703	7,316,080	¹ 27.32	181.48
1922.....	534,654,994	611.06	13,958,696	6,802,689	¹ 26.65	184.30
1923.....	620,329,534	643.91	16,396,070	8,532,891	¹ 27.83	176.86
1924.....	579,571,262	647.06	15,878,770	8,517,534	¹ 26.88	178.85
1925.....	591,581,590	675.45	16,858,064	9,318,728	¹ 26.86	179.59
1926.....	610,980,116	701.48	17,778,602	10,152,419	¹ 27.35	179.99
1927.....	588,081,240	702.41	17,432,267	10,311,248	¹ 27.06	181.39
1928.....	579,809,381	718.32	17,818,685	10,512,943	¹ 26.59	183.31
1929.....	589,319,233	729.73	18,248,116	10,844,915	¹ 26.85	182.46

¹ Includes nonrevenue tonnage.

TABLE XII.—Selected data from annual reports of Class I steam railways, 1911-1929, by districts—Continued

EASTERN DISTRICT

Year ended—	Operating revenues	Operating expenses				Net railway operating income
		Total	Maintenance of way and structures	Maintenance of equipment	Transportation-rail line	
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>
1911.....	\$1, 213, 660	\$863, 212	\$145, 164	\$193, 859	\$438, 904	\$290, 640
1912.....	1, 252, 347	889, 976	145, 520	206, 962	451, 394	296, 349
1913.....	1, 384, 956	998, 950	175, 486	238, 499	492, 808	314, 494
1914.....	1, 333, 539	1, 020, 802	174, 320	249, 616	502, 389	234, 801
1915.....	1, 275, 028	923, 569	153, 385	234, 988	468, 419	272, 734
1916.....	1, 537, 081	1, 024, 739	168, 576	265, 862	519, 758	420, 546
Dec. 31—						
1916.....	1, 621, 551	1, 102, 249	174, 990	285, 093	566, 640	416, 768
1917.....	1, 785, 312	1, 338, 467	184, 406	328, 316	740, 322	323, 837
1918.....	2, 206, 636	1, 892, 301	284, 163	533, 205	980, 415	191, 717
1919.....	2, 282, 088	2, 023, 222	312, 422	591, 241	1, 010, 098	135, 327
1920.....	2, 747, 383	2, 730, 072	415, 294	785, 012	1, 390, 709	¹ 124, 332
1921.....	2, 460, 791	2, 082, 584	308, 346	600, 573	1, 042, 364	230, 096
1922.....	2, 516, 679	2, 059, 858	303, 844	618, 616	1, 009, 129	291, 853
1923.....	2, 942, 419	2, 330, 521	347, 358	735, 016	1, 115, 479	417, 549
1924.....	2, 665, 771	2, 068, 796	326, 064	598, 431	1, 009, 510	407, 467
1925.....	2, 754, 442	2, 084, 325	347, 414	603, 356	991, 512	474, 902
1926.....	2, 898, 986	2, 167, 706	368, 337	620, 645	1, 027, 563	514, 945
1927.....	2, 758, 469	2, 096, 757	363, 433	573, 813	1, 003, 474	450, 276
1928.....	2, 732, 316	2, 004, 157	345, 821	543, 557	962, 331	503, 494
1929.....	2, 840, 428	2, 070, 313	360, 075	570, 677	981, 071	541, 325

Year ended—	Freight service statistics					
	Freight revenue	Revenue tons originated	Total revenue tons carried	Revenue tons carried 1 mile	Revenue per ton-mile	Revenue ton-miles per mile of road
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>	
1911.....	\$823, 078	(²)	989, 773	129, 096, 321	0. 638	2, 272, 565
1912.....	852, 061	(²)	1, 032, 434	133, 425, 498	. 638	2, 326, 286
1913.....	959, 047	(²)	1, 171, 789	152, 756, 350	. 628	2, 626, 710
1914.....	905, 279	502, 712	1, 105, 436	143, 115, 921	. 633	2, 443, 140
1915.....	876, 627	454, 834	1, 003, 359	135, 642, 899	. 646	2, 303, 011
1916.....	1, 095, 656	577, 311	1, 262, 238	169, 263, 168	. 647	2, 869, 020
Dec. 31—						
1916.....	1, 146, 977	590, 301	1, 283, 711	177, 487, 341	. 646	3, 004, 747
1917.....	1, 246, 850	617, 844	1, 302, 098	187, 966, 031	. 663	3, 178, 653
1918.....	1, 552, 958	614, 704	1, 317, 918	190, 942, 928	. 813	3, 229, 876
1919.....	1, 555, 730	524, 149	1, 156, 703	170, 117, 616	. 914	2, 866, 157
1920.....	1, 922, 764	606, 786	1, 253, 468	188, 517, 900	1. 020	3, 170, 258
1921.....	1, 722, 188	449, 674	934, 694	138, 502, 605	1. 243	2, 354, 467
1922.....	1, 772, 598	452, 238	975, 691	151, 209, 900	1. 172	2, 571, 943
1923.....	2, 141, 175	597, 892	1, 295, 112	193, 987, 685	1. 104	3, 289, 637
1924.....	1, 908, 379	519, 595	1, 146, 945	170, 039, 430	1. 122	2, 879, 748
1925.....	1, 987, 804	531, 309	1, 208, 296	179, 483, 666	1. 107	3, 036, 805
1926.....	2, 120, 301	580, 200	1, 309, 242	193, 717, 411	1. 094	3, 284, 052
1927.....	2, 008, 136	541, 075	1, 237, 669	183, 739, 338	1. 093	3, 115, 925
1928.....	2, 011, 314	545, 968	1, 238, 607	183, 517, 858	1. 096	3, 091, 354
1929.....	2, 096, 611	576, 718	1, 294, 927	192, 331, 228	1. 090	3, 195, 743

¹ Deficit.² Not separated by districts.

TABLE XII.—Selected data from annual reports of Class I steam railways, 1911–1929, by districts—Continued

EASTERN DISTRICT—Continued

Year ended—	Passenger service statistics						
	Passenger revenue	Passengers carried	Passenger-miles	Revenue per passenger-mile	Passenger-miles per mile of road	Average journey per passenger	Passengers per train
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>		<i>Miles</i>	
1911.....	\$269,625	573,249	15,161,685	1.78	270,823	26.45	62
1912.....	274,725	583,327	15,401,754	1.78	277,008	26.40	63
1913.....	288,927	605,180	16,087,159	1.80	277,480	26.58	64
1914.....	293,419	608,647	16,348,655	1.79	279,975	26.86	65
1915.....	276,543	571,965	14,960,949	1.85	254,447	26.16	62
1916.....	296,065	592,397	15,628,070	1.89	265,355	26.38	64
Dec. 31—							
1916.....	316,123	625,543	16,627,330	1.90	281,977	26.58	66
1917.....	357,307	660,780	18,408,280	1.94	311,836	27.86	75
1918.....	446,014	673,703	19,516,673	2.28	330,597	28.97	89
1919.....	512,373	731,336	21,471,099	2.38	362,254	29.36	93
1920.....	563,867	777,821	21,927,088	2.57	369,258	28.19	93
1921.....	537,878	673,170	18,723,437	2.87	321,342	27.81	82
1922.....	513,959	637,135	18,083,029	2.84	310,543	28.38	80
1923.....	546,822	655,225	19,221,806	2.84	329,106	29.34	83
1924.....	523,475	629,939	18,567,323	2.82	317,472	29.47	79
1925.....	520,011	616,313	18,583,979	2.80	317,447	30.15	79
1926.....	523,475	608,365	18,761,993	2.79	321,067	30.84	78
1927.....	502,365	591,510	18,165,433	2.77	310,966	30.71	76
1928.....	474,824	571,801	17,386,360	2.73	295,591	30.41	74
1929.....	467,229	567,555	17,272,781	2.71	289,774	30.43	73

Year ended—	Freight service statistics					
	Freight train-miles	Revenue tons per train	Loaded car-miles	Empty car-miles	Tons per loaded car	Average haul per road
June 30—			<i>Thousands</i>	<i>Thousands</i>		<i>Miles</i>
1911.....	272,200,400	464.87	5,906,670	2,847,313	21.86	130.43
1912.....	265,255,675	492.57	6,030,012	2,797,014	22.13	129.33
1913.....	278,453,083	537.67	6,546,516	2,949,449	23.33	130.36
1914.....	257,418,781	544.30	6,134,262	3,085,077	23.33	129.47
1915.....	229,766,592	578.06	5,798,668	3,186,404	23.39	135.19
1916.....	257,522,644	644.89	6,877,179	3,284,945	24.61	134.10
Dec. 31—						
1916.....	264,676,081	658.34	7,070,991	3,230,603	25.10	138.26
1917.....	258,953,016	713.10	6,846,178	3,045,676	27.46	144.36
1918.....	248,909,032	753.81	6,400,881	3,195,407	¹ 31.50	144.88
1919.....	216,416,492	770.43	5,994,491	2,825,948	¹ 30.01	147.07
1920.....	232,981,766	795.20	6,348,174	3,038,378	¹ 31.49	150.40
1921.....	197,813,624	689.32	5,133,557	3,092,037	¹ 29.05	148.18
1922.....	206,650,647	719.95	5,765,642	2,783,427	¹ 27.92	154.98
1923.....	246,812,187	775.60	6,924,153	3,551,844	¹ 30.07	149.78
1924.....	223,452,378	749.18	6,421,637	3,467,991	¹ 28.41	148.25
1925.....	227,772,074	774.94	6,774,060	3,743,179	¹ 28.36	148.54
1926.....	239,822,501	794.59	7,207,969	4,091,032	¹ 28.83	147.96
1927.....	226,703,646	796.29	6,976,096	4,152,967	¹ 28.45	148.46
1928.....	217,830,984	827.54	7,096,321	4,183,727	¹ 27.73	148.16
1929.....	222,537,146	848.92	7,369,689	4,349,783	¹ 28.03	148.53

¹ Includes nonrevenue tonnage.

TABLE XII.—Selected data from annual reports of Class I steam railways, 1911–1929, by districts—Continued

SOUTHERN DISTRICT

Year ended—	Operating revenues	Operating expenses				Net railway operating income
		Total	Maintenance of way and structures	Maintenance of equipment	Transportation—rail line	
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>
1911.....	\$408,902	\$280,757	\$54,063	\$69,302	\$133,612	\$114,199
1912.....	425,846	303,593	56,219	76,120	146,221	106,567
1913.....	457,506	329,560	63,454	82,350	157,136	112,657
1914.....	469,470	341,840	62,156	88,496	162,514	109,278
1915.....	420,282	307,184	58,221	79,940	145,366	94,806
1916.....	439,711	324,781	60,459	90,526	148,423	147,403
Dec. 31—						
1916.....	523,036	340,077	64,262	93,631	155,532	167,267
1917.....	606,200	412,435	68,484	109,656	205,806	170,862
1918.....	784,809	610,267	99,161	175,372	305,766	139,328
1919.....	806,026	704,038	134,085	197,146	337,653	64,303
1920.....	976,831	912,707	166,683	250,226	448,753	32,592
1921.....	877,202	740,224	132,096	197,868	363,744	92,366
1922.....	915,301	708,694	123,225	201,699	337,426	150,622
1923.....	1,037,777	800,620	143,534	235,728	371,647	177,341
1924.....	1,024,517	767,634	146,252	218,591	352,154	194,971
1925.....	1,106,738	793,329	155,718	220,783	362,239	238,831
1926.....	1,165,528	830,126	167,397	227,862	377,128	253,499
1927.....	1,090,867	798,113	157,959	220,610	358,447	217,771
1928.....	1,033,102	749,058	145,888	207,474	333,890	213,181
1929.....	1,046,451	748,737	148,797	211,685	326,681	225,951

Year ended—	Freight service statistics					
	Freight revenue	Revenue tons originated	Total revenue tons carried	Revenue tons carried 1 mile	Revenue per ton-mile	Revenue ton-miles per mile of road
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>	
1911.....	\$286,491	(1)	219,814	41,281,206	0.694	1,017,007
1912.....	298,903	(1)	228,866	43,667,931	.684	1,058,531
1913.....	323,299	(1)	248,738	47,979,202	.674	1,153,407
1914.....	330,771	174,319	256,516	49,523,945	.668	1,179,244
1915.....	302,538	154,482	231,971	47,324,536	.639	1,123,817
1916.....	361,873	187,728	282,183	58,450,832	.619	1,371,626
Dec. 31—						
1916.....	383,630	196,392	298,062	61,706,334	.622	1,444,725
1917.....	434,395	211,475	326,115	68,371,303	.635	1,599,356
1918.....	544,591	216,082	341,295	72,101,218	.755	1,672,592
1919.....	558,527	194,564	306,279	63,999,814	.873	1,476,892
1920.....	700,006	224,127	348,533	76,925,380	.909	1,758,760
1921.....	644,163	177,258	266,413	59,679,500	1.079	1,361,926
1922.....	688,326	208,588	314,370	69,564,942	.989	1,589,208
1923.....	783,288	249,638	381,376	81,705,350	.959	1,862,332
1924.....	780,745	252,888	382,712	82,350,493	.948	1,880,306
1925.....	851,638	281,715	423,769	91,934,000	.926	2,086,464
1926.....	913,966	310,578	461,263	101,426,273	.901	2,282,063
1927.....	871,910	308,893	449,763	96,338,368	.905	2,128,963
1928.....	833,977	294,173	427,027	91,957,727	.907	2,011,439
1929.....	851,042	295,468	429,575	94,252,032	.903	2,059,919

1 Not separated by districts.

TABLE XII.—Selected data from annual reports of Class I steam railways, 1911–1929, by districts—Continued

SOUTHERN DISTRICT—Continued

Year ended—	Passenger service statistics						
	Passenger revenue	Passengers carried	Passenger-miles	Revenue per passenger mile	Passenger-miles per mile of road	Average journey per passenger	Passengers per train
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>		<i>Miles</i>	
1911.....	\$87,485	111,916	4,072,229	2.15	100,296	36.39	46
1912.....	91,281	115,025	4,221,416	2.16	102,419	36.70	46
1913.....	95,842	118,499	4,384,240	2.19	105,396	37.00	47
1914.....	99,254	121,873	4,585,239	2.17	109,182	37.62	47
1915.....	85,416	107,897	3,988,171	2.14	94,707	36.96	43
1916.....	90,992	114,765	4,115,760	2.21	96,582	35.86	44
Dec. 31—							
1916.....	98,386	118,824	4,573,888	2.15	107,088	38.49	48
1917.....	126,925	130,951	5,776,736	2.20	135,131	44.11	60
1918.....	188,932	145,490	7,404,952	2.55	171,779	50.90	77
1919.....	192,624	149,077	7,099,101	2.71	163,822	47.62	73
1920.....	196,655	150,918	6,617,867	2.97	151,306	43.85	67
1921.....	172,110	118,994	5,085,120	3.39	116,046	42.74	54
1922.....	163,173	111,258	4,855,660	3.36	110,927	43.64	52
1923.....	183,751	114,930	5,449,950	3.37	124,222	47.42	56
1924.....	172,408	104,266	5,153,188	3.35	117,663	49.42	52
1925.....	180,735	94,785	5,412,801	3.34	122,845	57.11	52
1926.....	173,755	88,671	5,186,528	3.35	116,695	58.49	50
1927.....	147,282	85,609	4,507,623	3.27	99,613	52.65	44
1928.....	129,565	79,005	4,033,588	3.21	88,229	51.05	41
1929.....	118,804	75,985	3,762,094	3.16	82,222	49.51	93

Year ended—	Freight service statistics					
	Freight train-miles	Revenue tons per train	Loaded car-miles	Empty car-miles	Tons per loaded car	Average haul per road
June 30—			<i>Thousands</i>	<i>Thousands</i>		<i>Miles</i>
1911.....	113,354,640	346.38	2,084,129	979,126	19.81	187.80
1912.....	113,557,900	367.13	2,150,819	989,427	20.30	190.80
1913.....	116,599,149	394.48	2,305,030	1,010,480	20.82	192.89
1914.....	116,699,422	408.24	2,330,028	1,175,302	21.25	193.06
1915.....	100,624,143	448.50	2,172,440	1,155,945	21.78	204.01
1916.....	105,627,557	527.62	2,533,467	1,192,331	23.07	207.14
Dec. 31—						
1916.....	108,372,204	543.84	2,622,821	1,170,957	23.53	207.02
1917.....	115,675,895	566.21	2,704,594	1,241,017	25.28	209.65
1918.....	120,761,237	573.71	2,666,948	1,347,911	1 29.43	211.26
1919.....	101,359,788	602.41	2,450,584	1,142,124	1 28.45	208.96
1920.....	119,489,118	619.71	2,754,569	1,373,045	1 30.31	220.71
1921.....	100,975,009	572.34	2,267,572	1,373,697	1 29.03	224.01
1922.....	109,808,041	614.89	2,623,057	1,377,284	1 28.88	221.28
1923.....	126,516,430	623.85	3,053,375	1,634,422	1 29.47	214.24
1924.....	123,623,101	648.02	3,069,640	1,736,884	1 29.22	215.18
1925.....	131,620,622	680.17	3,370,641	1,995,729	1 29.71	216.94
1926.....	135,916,269	727.38	3,561,374	2,213,736	1 31.08	219.89
1927.....	127,386,177	735.49	3,429,935	2,187,337	1 30.68	214.20
1928.....	120,978,851	735.83	3,320,154	2,118,069	1 30.05	215.34
1929.....	121,007,192	752.04	3,386,130	2,157,973	1 30.26	219.41

1 Includes nonrevenue tonnage.

TABLE XII.—Selected data from annual reports of Class I steam railways, 1911-1929, by districts—Continued

WESTERN DISTRICT

Year ended—	Operating revenues	Operating expenses				Net railway operating income
		Total	Maintenance of way and structures	Maintenance of equipment	Transportation-rail line	
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>
1911-----	\$1,129,935	\$759,025	\$148,777	\$152,429	\$381,834	\$319,346
1912-----	1,126,814	765,526	146,732	153,913	387,237	305,568
1913-----	1,265,899	844,953	167,102	179,139	418,074	360,459
1914-----	1,228,318	840,782	167,207	182,088	409,078	316,939
1915-----	1,176,253	790,408	152,398	181,812	388,956	315,565
1916-----	1,354,806	861,373	175,479	201,276	412,617	416,924
Dec. 31—						
1916-----	1,452,279	915,072	182,524	216,842	442,102	456,050
1917-----	1,622,631	1,078,423	189,220	247,457	560,417	439,370
1918-----	1,889,508	1,479,500	266,471	394,454	733,349	307,524
1919-----	2,056,681	1,672,456	325,679	438,145	809,307	255,355
1920-----	2,453,907	2,187,841	450,563	555,127	1,052,200	108,867
1921-----	2,178,605	1,739,860	315,972	453,038	845,983	278,475
1922-----	2,127,113	1,645,970	301,595	432,202	793,595	317,712
1923-----	2,309,384	1,764,026	322,797	494,413	822,482	367,065
1924-----	2,231,208	1,671,455	320,362	442,998	779,805	371,399
1925-----	2,261,330	1,659,226	313,311	435,696	774,720	407,343
1926-----	2,318,426	1,671,505	331,085	434,584	767,213	444,646
1927-----	2,286,964	1,679,308	347,189	424,629	765,585	399,938
1928-----	2,346,318	1,674,780	346,197	415,911	764,920	456,189
1929-----	2,392,642	1,687,006	346,483	420,550	764,291	484,422

Year ended—	Freight service statistics					
	Freight revenue	Revenue tons originated	Total revenue tons carried	Revenue tons carried 1 mile	Revenue per ton-mile	Revenue ton-miles per mile of road
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>	
1911-----	\$746,935	(1)	414,807	79,465,639	0.939	675,601
1912-----	746,729	(1)	423,695	82,888,199	.900	694,384
1913-----	857,737	(1)	494,475	96,986,976	.884	788,265
1914-----	823,842	346,100	481,264	92,284,884	.892	738,714
1915-----	798,768	316,381	449,330	90,945,572	.878	713,718
1916-----	944,682	386,148	548,672	112,156,323	.842	871,122
Dec. 31—						
1916-----	1,030,481	416,674	597,923	123,250,722	.836	953,874
1917-----	1,138,720	434,697	641,822	138,128,066	.824	1,059,948
1918-----	1,343,193	431,835	646,612	142,335,128	.944	1,086,706
1919-----	1,429,009	376,837	580,248	130,175,633	1.098	992,791
1920-----	1,694,670	424,508	657,982	144,862,930	1.170	1,101,909
1921-----	1,544,926	313,251	489,656	108,658,099	1.422	824,580
1922-----	1,531,517	362,919	550,894	118,510,505	1.292	896,042
1923-----	1,681,681	431,500	657,113	137,034,193	1.227	1,035,443
1924-----	1,644,461	414,813	642,062	136,025,389	1.208	1,025,387
1925-----	1,702,204	434,218	672,210	142,396,595	1.195	1,067,315
1926-----	1,763,513	445,364	694,864	148,602,803	1.187	1,115,686
1927-----	1,752,275	431,643	676,217	148,659,256	1.179	1,111,212
1928-----	1,835,165	445,802	695,989	157,439,600	1.166	1,165,653
1929-----	1,867,795	466,905	727,099	160,738,301	1.162	1,184,992

¹ Not separated by districts.

TABLE XII.—Selected data from annual reports of Class I steam railways, 1911-1929, by districts—Continued

WESTERN DISTRICT—Continued

Year ended—	Passenger service statistics						
	Passenger revenue	Passengers carried	Passenger-miles	Revenue per passenger-mile	Passenger-miles per mile of road	Average journey per passenger	Passengers per train
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>		<i>Miles</i>	
1911.....	\$279, 231	253, 491	13, 137, 531	2. 12	111, 695	51. 82	54
1912.....	273, 813	245, 913	12, 693, 093	2. 15	106, 337	51. 62	51
1913.....	294, 198	260, 013	13, 403, 687	2. 19	108, 939	51. 55	52
1914.....	291, 076	271, 830	13, 633, 091	2. 13	109, 129	50. 15	52
1915.....	267, 278	256, 507	12, 840, 808	2. 08	100, 771	50. 06	51
1916.....	286, 749	261, 726	13, 902, 078	2. 06	107, 854	53. 12	53
Dec. 31—							
1916.....	292, 100	261, 588	13, 384, 734	2. 18	103, 588	51. 17	51
1917.....	340, 980	274, 907	15, 291, 843	2. 23	117, 344	55. 63	58
1918.....	396, 617	265, 805	15, 754, 954	2. 52	120, 287	59. 27	65
1919.....	473, 457	297, 407	17, 788, 104	2. 66	135, 662	59. 81	74
1920.....	526, 091	306, 123	18, 303, 713	2. 87	139, 228	59. 79	72
1921.....	441, 783	243, 342	13, 504, 029	3. 27	102, 479	55. 49	57
1922.....	396, 976	219, 016	12, 531, 273	3. 17	94, 747	57. 22	55
1923.....	415, 126	216, 758	13, 284, 839	3. 13	100, 382	61. 29	56
1924.....	379, 156	198, 473	12, 370, 375	3. 07	93, 250	62. 33	52
1925.....	355, 649	177, 169	11, 953, 443	2. 98	89, 595	67. 47	51
1926.....	344, 586	165, 325	11, 529, 004	2. 99	86, 558	69. 74	49
1927.....	325, 304	152, 799	10, 976, 650	2. 96	82, 138	71. 84	47
1928.....	296, 630	139, 521	10, 181, 394	2. 91	75, 462	72. 97	44
1929.....	286, 433	156, 928	10, 039, 260	2. 85	74, 090	73. 32	44

Year ended—	Freight service statistics					
	Freight train-miles	Revenue tons per train	Loaded car-miles	Empty car-miles	Tons per loaded car	Average haul per road
June 30—			<i>Thousands</i>	<i>Thousands</i>		<i>Miles</i>
1911.....	223, 123, 244	332. 08	4, 675, 337	1, 892, 300	17. 00	191. 57
1912.....	215, 844, 643	356. 41	4, 709, 684	1, 869, 348	17. 60	195. 63
1913.....	233, 266, 904	386. 74	5, 251, 230	2, 065, 691	18. 47	196. 14
1914.....	216, 715, 704	393. 57	5, 042, 978	2, 165, 799	18. 30	191. 76
1915.....	207, 414, 095	402. 28	4, 981, 131	2, 230, 632	18. 26	202. 40
1916.....	230, 973, 890	448. 17	5, 759, 962	2, 362, 570	19. 47	204. 41
Dec. 31—						
1916.....	244, 557, 928	467. 07	6, 175, 551	2, 357, 125	19. 96	206. 13
1917.....	256, 558, 945	500. 30	6, 373, 039	2, 475, 516	21. 67	215. 21
1918.....	246, 481, 147	535. 04	5, 951, 581	2, 618, 250	1 26. 86	220. 12
1919.....	231, 880, 792	519. 99	5, 861, 961	2, 564, 260	1 24. 92	224. 35
1920.....	255, 037, 260	530. 45	6, 253, 396	2, 850, 362	1 26. 21	220. 16
1921.....	211, 503, 063	482. 89	5, 073, 574	2, 850, 346	1 24. 82	221. 91
1922.....	218, 196, 306	510. 65	5, 569, 997	2, 641, 978	1 24. 28	215. 12
1923.....	247, 000, 917	525. 19	6, 418, 542	3, 346, 625	1 24. 63	208. 54
1924.....	232, 495, 783	552. 43	6, 387, 493	3, 312, 659	1 24. 22	211. 86
1925.....	232, 188, 894	579. 13	6, 713, 363	3, 579, 820	1 23. 91	211. 83
1926.....	235, 241, 346	595. 97	7, 009, 259	3, 847, 651	1 23. 94	213. 86
1927.....	233, 991, 417	597. 86	7, 026, 236	3, 970, 944	1 23. 92	219. 84
1928.....	240, 999, 546	615. 13	7, 402, 210	4, 211, 147	1 23. 94	226. 21
1929.....	245, 774, 895	615. 61	7, 492, 297	4, 337, 159	1 24. 14	221. 07

¹ Includes nonrevenue tonnage.

B. STATISTICS FROM MONTHLY AND OTHER PERIODICAL REPORTS OF CARRIERS

The figures in this section are derived from monthly or quarterly reports of certain classes of carriers, and yearly totals, for various reasons mostly evident from table headings and footnotes, may not be in exact agreement with totals of similar character in section A, which come from other sources.

TABLE A.—*Railway operating revenues, railway operating expenses, and net railway operating income, 1925–1930, Class I steam railways, including switching and terminal companies*

Item	1930	1929	1928	1927	1926	1925
Miles of road operated.....	242,629.39	241,978.31	241,627.56	239,410.26	238,185.45	236,633.85

RAILWAY OPERATING REVENUES

January.....	\$451,190,494	\$487,462,520	\$458,208,797	\$487,587,018	\$481,418,191	\$485,018,679
February.....	427,940,570	476,155,913	456,844,227	469,565,405	460,845,966	455,185,486
March.....	452,716,554	¹ 517,563,318	506,098,452	531,617,459	531,464,116	486,667,863
April.....	451,203,158	¹ 514,700,445	475,054,095	498,927,963	500,489,191	473,691,854
May.....	463,130,080	¹ 538,608,395	511,511,968	519,571,501	518,042,257	488,962,071
June.....	444,848,487	¹ 532,621,028	503,156,939	517,453,703	541,447,283	507,021,059
July.....	457,025,114	¹ 558,386,427	513,730,162	509,680,811	557,895,179	522,484,181
August.....	466,370,436	¹ 587,322,413	558,751,499	557,774,163	580,257,259	555,493,700
September.....	-----	¹ 566,719,557	556,915,838	565,468,543	591,239,839	565,568,308
October.....	-----	¹ 608,661,330	618,750,938	581,006,227	610,384,849	591,532,889
November.....	-----	¹ 499,210,862	532,085,264	504,314,198	562,255,815	532,985,867
December.....	-----	¹ 468,878,960	496,766,123	467,727,024	527,693,607	524,130,395
12 months.....	-----	² 6,352,354,833	² 6,189,917,189	² 6,210,029,787	² 6,465,295,348	² 6,186,603,519

RAILWAY OPERATING EXPENSES

January.....	\$356,468,702	\$369,737,657	\$363,990,689	\$387,990,469	\$378,933,308	\$383,961,979
February.....	330,579,336	350,548,850	348,698,061	361,844,037	361,003,662	355,685,829
March.....	351,278,764	377,757,677	373,921,553	395,734,641	397,132,363	377,400,851
April.....	348,214,351	377,045,331	363,888,486	384,957,883	385,783,022	370,777,262
May.....	351,780,343	391,528,441	382,369,709	391,552,389	389,145,040	375,999,428
June.....	334,637,932	382,354,669	375,570,923	388,258,865	391,419,365	376,064,312
July.....	331,561,567	389,257,586	376,043,728	383,911,907	396,357,688	382,924,789
August.....	327,204,296	396,204,945	384,527,744	393,559,210	400,423,302	388,898,352
September.....	-----	383,349,136	376,241,047	386,607,150	398,762,376	388,110,176
October.....	-----	404,326,989	402,161,432	399,841,395	415,892,151	410,446,695
November.....	-----	372,167,148	374,840,821	377,167,016	403,586,299	384,549,534
December.....	-----	362,814,313	358,323,819	378,128,502	408,840,916	389,599,309
12 months.....	-----	² 4,553,968,834	² 4,482,041,316	² 4,628,725,904	² 4,728,548,331	² 4,582,241,785

MAINTENANCE OF WAY AND STRUCTURES

January.....	\$54,833,265	\$58,418,686	\$58,505,833	\$59,942,357	\$58,873,070	\$56,967,451
February.....	53,224,541	55,542,835	56,436,809	58,782,671	58,893,321	55,011,942
March.....	61,620,176	66,189,139	64,250,065	68,670,510	66,806,288	61,052,110
April.....	63,183,633	74,045,394	70,933,010	75,949,311	72,013,659	68,140,897
May.....	70,758,344	80,247,425	79,538,134	80,798,436	77,054,106	72,514,854
June.....	66,807,313	79,708,189	79,540,309	81,738,507	80,195,595	74,728,875
July.....	64,115,114	81,804,849	77,598,331	79,533,733	80,606,850	75,035,380
August.....	63,012,677	82,921,197	77,036,359	80,310,327	81,489,169	77,503,539
September.....	-----	77,509,244	74,975,150	76,788,693	78,747,089	76,743,783
October.....	-----	79,205,309	78,817,298	76,315,374	79,638,641	77,181,285
November.....	-----	67,839,061	68,792,874	70,616,640	72,906,705	66,323,178
December.....	-----	60,063,355	61,567,560	69,926,901	70,346,161	63,771,958
12 months.....	-----	² 862,701,113	² 848,313,029	² 879,496,192	² 877,876,952	² 824,320,083

¹ Figures for 1929 include back railway mail pay as follows: For March, \$1,000,000; April, \$1,000,000; May, \$2,000,000; June, \$10,000,000; July, \$10,000,000; August, \$2,000,000; September, \$2,000,000; October, \$3,000,000; November, \$3,000,000; December, \$4,000,000.

² Includes certain corrections not appearing in monthly figures.

STATISTICAL SUMMARIES

TABLE A.—*Railway operating revenues, railway operating expenses, and net railway operating income, 1925-1930, etc.—Continued*

MAINTENANCE OF EQUIPMENT

	1930	1929	1928	1927	1926	1925
January.....	\$95,828,561	\$100,237,377	\$97,711,500	\$106,235,013	\$105,464,167	\$108,457,911
February.....	89,315,428	94,360,278	94,580,212	99,124,504	101,002,458	101,513,614
March.....	93,973,940	102,398,088	101,140,476	109,309,098	113,090,763	108,959,835
April.....	91,060,346	101,604,636	96,195,446	102,707,775	108,639,919	104,688,524
May.....	90,500,738	104,038,796	99,647,307	102,254,513	107,005,052	103,447,684
June.....	85,361,816	100,766,141	97,337,240	102,129,123	106,462,061	103,159,577
July.....	82,798,664	101,116,832	95,942,063	100,385,228	106,813,693	105,258,040
August.....	80,799,743	103,135,797	99,570,329	102,983,587	108,071,440	105,499,971
September.....	-----	99,943,821	95,803,961	99,858,709	107,363,695	104,479,671
October.....	-----	106,537,221	103,194,118	104,727,723	111,733,375	110,462,734
November.....	-----	99,441,878	98,751,396	100,493,717	108,969,880	104,622,202
December.....	-----	98,280,465	95,811,975	99,289,408	109,790,898	108,605,809
12 months.....	-----	¹ 1,211,342,962	¹ 1,176,032,296	¹ 1,229,219,401	¹ 1,294,658,328	¹ 1,268,863,685

TRANSPORTATION EXPENSES

	1930	1929	1928	1927	1926	1925
January.....	\$173,534,894	\$180,071,298	\$177,235,177	\$191,777,831	\$186,901,559	\$191,886,193
February.....	157,591,909	171,028,668	168,595,063	175,511,119	173,865,620	173,749,658
March.....	164,859,670	178,805,555	178,469,903	188,203,001	188,880,663	181,068,374
April.....	158,224,965	171,172,103	167,259,989	176,845,605	176,797,509	171,738,275
May.....	159,565,465	175,778,030	173,058,438	178,657,109	176,846,345	173,436,739
June.....	151,380,690	169,655,383	168,053,108	174,470,522	175,801,658	170,639,621
July.....	154,413,761	174,878,546	171,831,099	174,315,601	180,204,315	175,229,943
August.....	154,050,005	179,150,208	177,971,876	180,866,397	182,338,051	178,973,461
September.....	-----	175,514,816	175,904,677	180,786,540	184,338,685	180,101,830
October.....	-----	187,550,739	189,592,118	189,793,158	195,898,789	193,672,962
November.....	-----	174,435,817	177,784,175	177,501,313	193,606,486	186,398,140
December.....	-----	173,300,800	175,020,383	179,450,550	199,127,088	189,283,873
12 months.....	-----	¹ 2,109,519,747	¹ 2,101,725,638	¹ 2,167,566,246	¹ 2,215,194,312	¹ 2,165,181,535

NET RAILWAY OPERATING INCOME ²

	1930	1929	1928	1927	1926	1925
January.....	\$55,474,415	\$77,175,938	\$56,562,282	\$61,415,296	\$65,761,276	\$66,060,177
February.....	59,452,011	84,723,649	69,823,185	69,516,414	63,421,109	65,151,052
March.....	61,074,228	³ 97,404,527	90,876,038	94,606,758	94,657,588	73,375,267
April.....	62,271,581	³ 94,168,377	70,617,893	73,508,489	75,881,706	66,465,322
May.....	69,173,723	³ 103,577,559	88,221,667	86,012,490	88,129,798	76,154,267
June.....	68,883,475	³ 105,817,808	85,992,041	87,956,739	107,393,658	92,148,573
July.....	82,750,151	³ 123,824,672	95,230,581	85,138,972	116,974,565	99,668,612
August.....	95,603,922	³ 141,758,499	128,435,626	118,801,563	132,959,653	124,943,509
September.....	-----	³ 133,898,015	134,491,321	133,094,301	145,763,442	134,521,685
October.....	-----	³ 152,987,127	165,623,281	134,040,213	146,357,979	138,032,531
November.....	-----	³ 86,669,467	113,555,731	86,708,400	114,940,801	107,016,358
December.....	-----	³ 72,227,197	94,691,336	54,264,574	80,130,400	94,608,458
12 months.....	-----	¹ 1,274,774,189	¹ 1,194,487,806	¹ 1,085,141,596	¹ 1,233,003,087	¹ 1,138,632,320

¹ Includes certain corrections not appearing in monthly figures.² For meaning of this term see Table V, footnote 3.³ Figures for 1929 include back railway mail pay as follows: For March, \$1,000,000; April, \$1,000,000; May, \$2,000,000; June, \$10,000,000; July, \$10,000,000; August, \$2,000,000; September, \$2,000,000; October, \$3,000,000; November, \$3,000,000; December, \$4,000,000.

TABLE B.—*Ratio of expenses to revenues, Class I steam railways, 1911–1930, by districts, excluding switching and terminal companies*

Year ended—	United States	Eastern district	Southern district	Western district
June 30—	<i>Per cent</i>	<i>Per cent</i>	<i>Per cent</i>	<i>Per cent</i>
1911.....	68.50	70.35	68.40	66.56
1912.....	69.19	70.27	71.06	67.29
1913.....	69.33	71.34	71.82	66.23
1914.....	72.05	75.71	72.58	67.90
1915.....	70.35	72.42	73.09	67.09
1916.....	65.33	66.65	66.38	63.43
Dec. 31—				
1916.....	65.50	67.96	65.15	62.87
1917.....	70.44	74.93	68.04	66.38
1918.....	81.35	85.60	77.65	77.91
1919.....	85.06	88.31	86.99	80.69
1920.....	94.38	99.37	93.44	89.16
1921.....	82.71	84.63	84.39	79.86
1922.....	79.41	81.85	77.43	77.38
1923.....	77.83	79.20	77.15	76.39
1924.....	76.13	77.61	74.93	74.91
1925.....	74.10	75.67	71.68	73.37
1926.....	73.15	74.77	71.22	72.10
1927.....	74.54	76.01	73.16	73.43
1928.....	72.45	73.35	72.51	71.38
1929.....	71.76	72.89	71.55	70.51
8 months, 1929.....	72.09	72.50	71.73	71.77
8 months, 1930.....	75.62	76.00	74.68	75.59

TABLE C.—*Analysis of operating revenues and expenses, Class I steam railways including switching and terminal companies, 1928–1930*

Item	8 months, January to August, inclusive		Calendar year, 1929	Calendar year, 1928
	1930	1929		
Operating revenues:				
Freight.....	\$2,744,468,532	\$3,186,785,711	\$4,825,786,727	\$4,698,708,149
Passenger.....	514,019,151	595,149,592	873,582,447	902,172,361
Mail.....	73,245,412	99,581,543	151,482,848	104,434,660
Express.....	77,091,161	95,269,041	148,190,522	142,639,140
All other.....	206,247,160	236,902,779	353,312,289	341,962,879
Total.....	3,615,071,416	4,213,688,666	6,352,354,833	6,189,917,189
Per cent of total:				
Freight.....	75.92	75.63	75.95	75.91
Passenger.....	14.22	14.12	13.75	14.57
Mail.....	2.03	2.36	2.38	1.69
Express.....	2.13	2.26	2.33	2.37
All other.....	5.70	5.63	5.56	5.52
Operating expenses:				
Maintenance of way and structures.....	502,748,832	579,085,870	862,701,113	848,313,029
Maintenance of equipment.....	709,719,976	807,753,734	1,211,342,962	1,176,032,296
Traffic.....	87,840,489	86,871,763	130,433,799	125,350,323
Transportation.....	1,273,795,997	1,400,862,191	2,109,519,747	2,101,725,638
General.....	130,550,317	129,612,411	195,693,749	190,270,079
All other.....	27,636,804	30,915,948	44,277,464	40,349,951
Total.....	2,732,292,415	3,035,101,917	4,553,968,834	4,482,041,316
Per cent of total:				
Maintenance of way and structures.....	18.40	19.08	18.91	18.93
Maintenance of equipment.....	25.98	26.61	26.60	26.24
Traffic.....	3.21	2.86	2.86	2.80
Transportation.....	46.62	46.16	46.32	46.89
General.....	4.78	4.27	4.30	4.24
All other.....	1.01	1.02	.95	.90
Railway tax accruals.....	244,889,276	270,647,132	402,630,307	395,580,047
Uncollectible railway revenue.....	663,260	758,699	1,171,448	1,590,877
Equipment rents—debit.....	64,100,759	62,087,565	94,698,758	92,178,173
Joint facility rent—debit.....	17,823,589	16,698,562	25,111,297	24,038,970
Net railway operating income.....	555,302,117	828,394,791	1,274,774,189	1,194,487,806

TABLE D.—*Ton-miles of freight (revenue and nonrevenue), by months, 1926–1930, Class I steam railways*

Month	1930	1929	1928	1927	1926
	<i>Millions</i>	<i>Millions</i>	<i>Millions</i>	<i>Millions</i>	<i>Millions</i>
January.....	36,664	39,210	36,289	39,233	37,680
February.....	34,341	38,140	35,723	37,259	35,405
March.....	35,310	40,228	39,486	41,817	38,669
April.....	34,894	38,346	35,887	37,111	36,300
May.....	36,576	41,846	39,263	40,118	39,834
June.....	34,419	40,740	37,307	38,477	39,252
July.....	35,580	42,009	39,153	38,369	41,717
August.....	37,421	44,950	42,425	41,984	43,734
September.....		44,219	43,791	42,959	44,346
October.....		47,814	48,234	45,537	48,296
November.....		38,722	41,991	37,250	43,360
December.....		36,040	37,673	34,592	40,116
12 months.....		¹ 492,180	¹ 477,183	¹ 474,696	¹ 488,702

¹ Includes certain corrections not appearing in monthly figures.TABLE E.—*Selected operating averages in freight and passenger service of Class I steam railways in the United States, 1928–1930*

Item	7 months, January-July		Calendar year—	
	1930	1929	1929	1928
Average miles of road included.....	240,050	239,603	239,544	239,006
Net ton-miles per mile of road per day.....	4,870	5,522	5,629	5,455
Per cent of freight locomotives unserviceable.....	17.3	16.7	16.4	16.3
Per cent of freight cars unserviceable.....	5.8	6.2	6.0	6.2
Per cent loaded of total car-miles.....	61.9	63.1	62.8	62.9
Per cent eastbound or northbound of loaded car-miles.....	58.3	57.9	58.3	59.1
Car-miles per car-day.....	28.9	31.9	32.4	31.2
Net ton-miles per car-day.....	475	537	547	526
Net ton-miles per loaded car-mile.....	26.6	26.7	26.9	26.7
Car-miles per train-mile.....	48.4	48.2	48.6	48.1
Gross ton-miles per train-miles (excluding locomotives and tenders).....	1,850	1,843	1,866	1,836
Net ton-miles per train-mile (including nonrevenue tons).....	780	794	804	792
Average miles per hour, trains in freight service.....	13.7	13.2	13.2	12.9
Pounds of coal per 1,000 gross ton-miles (including locomotives and tenders).....	123	126	125	127
Average cost of coal per ton (including freight).....	\$2.35	\$2.42	\$2.40	\$2.53
Revenue per ton-mile.....	\$0.01066	\$0.01078	\$0.01077	\$0.01082
Average haul per revenue ton:				
Per railroad.....	186.05	187.38	184.25	185.56
United States as a system.....	⁽¹⁾	⁽¹⁾	317.17	318.00
Number of freight train-miles.....	317,826,380	353,283,006	611,919,478	602,433,449
Number of passenger train-miles.....	² 323,249,428	² 328,259,095	513,945,770	521,711,043
Number of passenger-train car-miles.....	² 2,214,401,897	² 2,255,104,795	3,757,918,741	3,718,458,924
Passenger-train cars per train.....	7.32	7.27	7.31	7.13
Revenue per passenger per mile:				
Including commutation passengers.....	\$0.02763	\$0.02832	\$0.02808	\$0.02849
Excluding commutation passengers.....	\$0.03303	\$0.03323	\$0.03285	\$0.03311

¹ Data not available.² Includes motor-car miles not reported prior to January, 1930.

TABLE F.—*Results of operations of The Pullman Co., 1928-1930*¹

	8 months, January-August		Calendar year—	
	1930	1929	1929	1928
Sleeping-car operations:				
Total revenues.....	\$53,018,978	\$55,872,111	\$82,383,772	\$80,846,044
Total expenses.....	46,988,139	46,545,783	69,490,170	66,655,531
Net revenue.....	6,030,839	9,326,328	12,893,602	14,190,513
Auxiliary operations:				
Net revenue.....	130,100	151,821	122,837	177,343
Total net revenue.....	6,160,939	9,478,149	13,016,439	14,367,856
Taxes accrued.....	1,803,778	2,741,569	3,831,240	3,429,797
Operating income or loss.....	4,357,161	6,736,580	9,185,199	10,938,059
Statistics of car operations:				
Number of revenue passengers—				
Berth.....	12,867,056	14,202,608	21,008,719	21,310,891
Seat.....	7,486,907	8,312,516	12,425,549	12,613,029
Total.....	20,353,963	22,515,124	33,434,268	33,923,920
Number of nonrevenue passengers.....	484,489	479,533	730,837	706,193
Revenue passengers per car per day.....	9.46	10.38	10.36	10.74
Revenue per berth passenger.....	\$3.78	\$3.72	\$3.69	\$3.58
Revenue per seat passenger.....	\$0.80	\$0.79	\$0.79	\$0.79
Car-miles per car-day.....	379.67	372.68	377.93	365.26

¹ Statement covers car and auxiliary operations other than manufacturing plant.TABLE G.—*Average number of employees and total compensation, fiscal year ended June 30, 1930, CLASS I steam railways*

Division No.	Reporting division	Average number of employees middle of month	Total compensation
I. EXECUTIVES, OFFICIALS, AND STAFF ASSISTANTS			
1	Executives, general officers, and assistants.....D	7,690	\$57,933,861
2	Division officers, assistants, and staff assistants.....D	9,249	38,661,620
	Total (executives, officials, and staff assistants).....D	16,939	96,595,481
II. PROFESSIONAL, CLERICAL, AND GENERAL			
3	Architectural, chemical, and engineering assistants (A).....D	3,587	11,022,628
4	Architectural, chemical, and engineering assistants (B).....D	4,906	11,493,001
5	Subprofessional engineering and laboratory assistants.....D	4,458	7,614,568
6	Professional and subprofessional legal assistants.....D	545	1,563,324
7	Supervisory or chief clerks (major departments).....D	4,912	14,853,602
8	Chief clerks (minor departments) and assistant chief clerks and supervising cashiers.....D	12,933	30,379,539
9	Clerks and clerical specialists (A).....D	13,089	27,401,594
10	Clerks (B).....D	120,429	201,265,775
11	Clerks (C).....D	16,448	22,052,201
12	Mechanical device operators (office).....D	8,118	11,335,323
13	Stenographers and secretaries (A).....D	3,710	7,301,374
14	Stenographers and typists (B).....D	20,826	31,316,037
15	Storekeepers, sales agents, and buyers.....D	3,153	6,798,525
16	Ticket agents and assistant ticket agents.....D	1,639	3,667,322
17	Traveling auditors or accountants.....D	1,838	4,949,529
18	Telephone switchboard operators and office assistants.....D	4,986	4,881,739
19	Messengers and office boys.....D	6,066	4,435,989
20	Elevator operators and other office attendants.....D	1,344	1,418,646
21	Lieutenants and sergeants of police.....D	2,232	4,758,751
22	Patrolmen.....D	5,207	9,587,501
23	Watchmen (without police authority).....D	2,735	3,553,283
24	Supervising traffic agents.....D	1,817	6,904,174
25	Traffic agents, advertising and development agents.....D	7,857	21,271,299
26	Fire prevention, smoke, and time-service inspectors, and office building superintendents.....D	465	1,188,181
27	Claims agents and claim investigators.....D	1,705	4,720,465
28	Real estate and tax agents and investigators.....D	428	1,255,458
29	Examiners, instructors, and special investigators.....D	583	1,720,992

TABLE G.—Average number of employees and total compensation, fiscal year ended June 30, 1930, etc.—Continued

Division No.	Reporting division	Average number of employees middle of month	Total compensation
II. PROFESSIONAL, CLERICAL, AND GENERAL—continued			
30	Miscellaneous trades workers (other than plumbers).....	721	\$1,309,730
31	Motor vehicle and motor car operators.....	2,206	2,973,940
32	Teamsters and stablemen.....	106	157,418
33	Janitors and cleaners.....	7,617	7,301,070
	Total (professional, clerical, and general):		
	Daily basis.....	54,332	128,131,500
	Hourly basis.....	212,534	342,321,478
III. MAINTENANCE OF WAY AND STRUCTURES			
34	Roadmasters and general foremen (M. of W. & S.).....D	3,377	10,253,030
35	Assistant general foremen (M. of W. & S.).....D	398	1,073,343
36	Supervising maintenance of way inspectors and scale inspectors.....	343	806,169
37	Maintenance of way inspectors.....	824	1,857,707
38	Bridge and building gang foremen (skilled labor, M. of W. & S.).....	5,345	11,266,545
39	Bridge and building carpenters.....	21,536	32,877,448
40	Bridge and building ironworkers.....	1,123	2,184,127
41	Bridge and building painters.....	2,798	4,183,120
42	Masons, bricklayers, plasterers, and plumbers.....	2,154	4,087,017
43	Skilled trades helpers (M. of W. & S.).....	10,972	13,316,807
44	Regular apprentices (M. of W. & S.).....	57	63,324
45	Portable steam equipment operators (M. of W. & S.).....	2,807	5,706,589
46	Portable steam equipment operator helpers (M. of W. & S.).....	956	1,401,898
47	Pumping equipment operators (M. of W. & S.).....	4,142	4,330,044
48	Gang foremen (extra gang and work-train laborers).....	4,514	7,958,393
49	Gang foremen (bridge and building, signal and telegraph laborers).....	495	1,050,004
50	Gang or section foremen.....	39,736	63,245,401
51	Laborers (extra gang and work-train).....	64,653	60,270,139
52	Track and roadway section laborers.....	201,428	176,679,587
53	Maintenance of way laborers (other than track and roadway) and gardeners and farmers.....	7,959	7,446,419
54	General foremen and supervising inspectors (signal, telegraph, and electrical transmission).....D	579	1,820,063
55	Assistant general foremen (signal, telegraph, and electrical transmission) and signal and telegraph inspectors.....D	788	2,174,768
56	Gang foremen (signal and telegraph skilled trades labor).....	1,554	3,891,643
57	Signalmen and signal maintainers.....	9,554	19,911,871
58	Linemen and groundmen.....	2,748	5,286,619
59	Assistant signalmen and assistant signal maintainers.....	3,219	5,227,666
60	Signalman and signal maintainer helpers.....	4,466	6,123,699
	Total (maintenance of way and structures):		
	Daily basis.....	5,142	15,321,204
	Hourly basis.....	393,383	439,172,236
IV. MAINTENANCE OF EQUIPMENT AND STORES			
61	General foremen (M. E.).....D	1,400	5,175,405
62	Assistant general foremen and department foremen (M. E.).....D	10,372	32,928,712
63	General foremen (stores).....D	307	687,587
64	Assistant general foremen (stores).....D	179	367,025
65	Equipment, shop, and electrical inspectors (M. E.).....D	1,476	3,974,822
66	Material and supplies inspectors.....D	1,832	4,075,596
67	Gang foremen and gang leaders (skilled labor).....	9,615	26,296,815
68	Blacksmiths.....	7,438	14,257,039
69	Boilermakers.....	15,642	31,905,153
70	Carmen (A).....	18,476	35,582,317
71	Carmen (B).....	3,642	6,778,932
72	Carmen (C).....	71,421	135,174,857
73	Carmen (D).....	1,798	3,064,516
74	Electrical workers (A).....	7,316	15,447,061
75	Electrical workers (B).....	2,827	5,457,275
76	Electrical workers (C).....	277	543,894
77	Machinists.....	53,468	106,814,454
78	Molders.....	1,043	1,883,999
79	Sheet-metal workers.....	10,680	21,224,539
80	Skilled trades helpers (M. E. and Stores).....	97,675	139,044,724
81	Helper apprentices (M. E. and Stores).....	4,231	5,823,253
82	Regular apprentices (M. E. and Stores).....	10,117	10,211,333
83	Gang foremen laborers (shops, enginehouses, power plants, and stores).....	3,665	6,066,468
84	Coach cleaners.....	11,902	13,822,522
85	Laborers (shops, enginehouses, and power plants).....	36,270	42,084,539
86	Common laborers (shops, enginehouses, power plants, and stores).....	50,127	48,863,969
87	Stationary engineers (steam).....	2,293	4,697,148

TABLE G.—Average number of employees and total compensation, fiscal year ended June 30, 1930, etc.—Continued

Division No.	Reporting division	Average number of employees middle of month	Total compensation
IV. MAINTENANCE OF EQUIPMENT AND STORES—continued			
88	Stationary firemen and oilers (steam and electrical plants).....	4,619	\$7,534,813
89	Coal passers and water tenders (steam station boiler rooms).....	452	649,873
Total (maintenance of equipment and stores):			
Daily basis.....		15,566	47,209,147
Hourly basis.....		424,994	683,229,493
V. TRANSPORTATION (OTHER THAN TRAIN, ENGINE, AND YARD)			
90	Chief train dispatchers, train dispatchers, and train directors.....	5,200	17,671,148
91	Station agents (supervisory—major stations—nontelegraphers)..... D	2,455	7,624,058
92	Station agents (supervisory—smaller stations—nontelegraphers).....	5,056	11,249,246
93	Station agents (nonsupervisory—smaller stations—nontelegraphers).....	3,036	3,861,988
94	Station agents (telegraphers and telephoners).....	18,534	33,215,035
95	Chief telegraphers and telephoners or wire chiefs.....	873	2,196,081
96	Clerk-telegraphers and clerk-telephoners.....	12,903	23,403,293
97	Telegraphers, telephoners, and towermen.....	22,780	42,658,369
98	Station masters and assistants..... D	507	1,305,135
99	Supervising baggage agents..... D	132	298,400
100	Baggage agents and assistants.....	678	1,174,381
101	Baggage, parcel room, and station attendants.....	8,287	10,905,246
102	General foremen (freight stations, warehouses, grain elevators, and docks).....	517	1,194,763
103	Assistant general foremen (freight stations, warehouses, grain elevators, and docks).....	392	810,595
104	Gang foremen (freight station, warehouse, grain elevator, and dock labor).....		
	3,477	6,226,099
105	Callers, loaders, scalers, sealers, and perishable freight inspectors.....	14,545	18,294,739
106	Truckers (stations, warehouses, and platforms).....	32,209	37,014,170
107	Laborers (coal and ore docks and grain elevators).....	1,269	1,853,621
108	Common laborers (stations, warehouses, platforms, and grain elevators).....	4,899	5,213,450
109	Stewards, restaurant and lodging-house managers, and dining-car supervisors.....	1,834	3,760,695
110	Chefs and first cooks (dining cars and restaurants).....	1,708	3,109,304
111	Second and third cooks (dining cars and restaurants).....	3,017	3,718,689
112	Waiters and lodging-house attendants.....	7,484	6,303,134
113	Camp and crew cooks and kitchen helpers.....	3,703	3,510,225
114	Barge, lighter, and gasoline launch officers and workers.....	1,968	3,506,742
115	Deck officers (ferryboats and towing vessels).....	913	2,398,309
116	Engine-room officers (ferryboats and towing vessels).....	856	2,250,138
117	Deck and engine-room workers (ferryboats and towing vessels).....	4,223	6,920,911
118	Deck and engine-room officers and workers (steamers).....	842	865,911
119	Floating equipment shore workers and attendants.....	898	1,223,302
120	Transportation and dining service inspectors..... D	926	2,338,574
121	Parlor and sleeping car conductors.....	41	87,347
122	Train attendants.....	3,327	4,026,564
123	Bridge operators and helpers.....	1,251	1,742,850
124	Crossing and bridge flagmen and gatemen..... D	20,288	18,919,923
125	Foremen (laundry) and laundry workers.....	429	434,751
Total (transportation—other than train, engine, and yard):			
Daily basis.....		24,308	30,486,090
Hourly basis.....		167,149	260,801,096
VI (A). TRANSPORTATION (YARDMASTERS, SWITCH TENDERS, AND HOSTLERS)			
126	Yardmasters and assistants..... D	6,740	22,026,394
127	Switch tenders.....	5,114	9,218,325
128	Outside hostlers.....	2,111	5,007,386
129	Inside hostlers.....	5,745	11,482,832
130	Outside hostler helpers.....	1,648	3,069,559
Total (transportation—yardmasters, switch tenders, and hostlers):			
Daily basis.....		6,740	22,026,394
Hourly basis.....		14,618	28,778,102
Total all groups (except train and engine):			
Daily basis.....		123,027	339,769,816
Hourly basis.....		1,212,678	1,754,302,405

TABLE G.—Average number of employees and total compensation, fiscal year ended June 30, 1930, etc.—Continued

Division No.	Reporting division	Average number of employees middle of month	Total compensation
VI (B). TRANSPORTATION (TRAIN AND ENGINE)			
131	Road passenger conductors.....	9,997	\$31,755,733
132	Assistant road passenger conductors and ticket collectors.....	1,300	3,503,840
133	Road freight conductors (through freight).....	14,107	37,522,373
134	Road freight conductors (local and way freight).....	8,903	28,140,134
135	Road passenger baggagemen.....	5,470	13,294,023
136	Road passenger brakemen and flagmen.....	12,929	27,906,069
137	Road freight brakemen and flagmen (through freight).....	32,305	62,827,297
138	Road freight brakemen and flagmen (local and way freight).....	21,813	53,043,416
139	Yard conductors and yard foremen.....	21,165	53,272,461
140	Yard brakemen and yard helpers.....	51,605	110,759,247
141	Road passenger engineers and motormen.....	12,532	43,131,350
142	Road freight engineers and motormen (through freight).....	19,265	58,830,514
143	Road freight engineers and motormen (local and way freight).....	8,944	33,436,702
144	Yard engineers and motormen.....	21,073	55,138,744
145	Road passenger firemen and helpers.....	11,461	29,771,328
146	Road freight firemen and helpers (through freight).....	20,740	44,584,066
147	Road freight firemen and helpers (local and way freight).....	9,042	24,991,977
148	Yard firemen and helpers.....	21,525	42,416,880
Total (transportation—train and engine).....		304,176	754,326,154
Grand total, all employees.....		1,639,881	2,848,398,375

TABLE H.—Carloads and tons of commodities originated and freight revenue, calendar year 1929, Class I steam railways

Commodity	Revenue freight originated		Freight revenue
	Number of carloads	Number of tons (2,000 pounds)	
PRODUCTS OF AGRICULTURE			
Wheat.....	616,191	27,019,186	\$109,479,412
Corn.....	396,057	15,258,145	60,692,527
Oats.....	181,813	5,713,429	21,701,967
Barley and rye.....	86,161	3,387,042	12,697,970
Rice.....	36,916	976,559	4,495,410
Grain, n. o. s.....	4,231	113,544	562,641
Flour, wheat.....	395,741	9,756,612	44,571,233
Meal, corn.....	15,043	284,686	1,093,361
Flour and meal, edible, n. o. s.....	25,388	585,719	3,292,369
Cereal food preparations, edible, n. o. s.....	42,594	779,098	4,888,275
Mill products, n. o. s.....	458,972	10,041,358	33,387,067
Hay and alfalfa.....	246,149	3,085,689	17,008,233
Straw.....	49,002	611,718	1,865,527
Tobacco, leaf.....	94,983	988,978	8,178,095
Cotton in bales.....	319,808	3,534,707	40,595,231
Cotton linters, noils, and regins.....	26,351	405,077	3,863,224
Cottonseed.....	104,938	2,672,124	7,309,325
Cottonseed meal and cake.....	101,892	2,404,117	9,991,656
Oranges and grapefruit.....	124,732	2,142,678	55,493,079
Lemons, limes, and citrus fruits, n. o. s.....	13,810	212,297	6,033,144
Apples, fresh.....	106,490	1,695,075	25,681,436
Bananas.....	92,786	989,317	15,276,121
Berries, fresh.....	10,142	91,548	2,603,984
Cantaloupes and melons, n. o. s.....	38,383	430,583	13,101,306
Grapes, fresh.....	59,766	921,429	28,905,557
Peaches, fresh.....	31,055	387,210	6,535,162
Watermelons.....	42,572	570,485	7,480,138
Fruits, fresh, domestic, n. o. s.....	38,512	545,026	11,715,607
Fruits, fresh, tropical, n. o. s.....	4,782	59,133	1,024,597
Potatoes, other than sweet.....	247,080	4,425,071	44,643,448
Cabbage.....	40,711	533,656	7,304,704
Onions.....	38,127	521,300	6,597,272
Tomatoes.....	30,703	364,732	8,164,990
Vegetables, fresh, n. o. s.....	157,567	1,802,176	47,383,172

TABLE H.—*Carloads and tons of commodities originated and freight revenue, calendar year 1929, Class I steam railways—Continued*

Commodity	Revenue freight originated		Freight revenue
	Number of carloads	Number of tons (2,000 pounds)	
PRODUCTS OF AGRICULTURE—continued			
Beans and peas, dried.....	27,824	656,816	\$7,062,423
Fruits, dried or evaporated.....	23,100	610,383	6,200,282
Vegetables, dry, n. o. s.....	23,945	341,477	3,542,626
Vegetable-oil cake and meal, except cottonseed.....	19,300	480,393	1,682,072
Peanuts.....	20,234	315,544	2,892,160
Flaxseed.....	11,458	431,271	1,886,509
Sugar beets.....	116,655	5,348,188	3,506,826
Products of agriculture, n. o. s.....	168,091	3,849,709	21,198,664
Total.....	4,690,055	115,343,285	721,588,802
ANIMALS AND PRODUCTS			
Horses, mules, ponies, and asses.....	47,414	553,284	5,286,833
Cattles and calves, single-deck.....	627,991	7,251,601	44,740,270
Calves, double-deck.....	4,906	58,846	458,584
Sheep and goats, single-deck.....	38,460	281,962	1,838,839
Sheep and goats, double-deck.....	93,409	1,104,556	9,434,726
Hogs, single-deck.....	410,554	3,689,508	20,426,086
Hogs, double-deck.....	146,923	1,844,299	14,908,394
Fresh meats, n. o. s.....	240,021	3,007,017	41,688,408
Meats, cured, dried, or smoked.....	52,680	807,368	10,570,747
Butterine and margarine.....	4,279	53,598	809,016
Packing-house products, edible, n. o. s., not including canned meats.....	85,514	1,413,508	14,937,880
Poultry, live.....	14,071	135,442	4,477,364
Poultry, dressed.....	23,634	282,014	7,817,583
Eggs.....	52,362	587,515	15,202,648
Butter.....	44,431	547,917	12,320,728
Cheese.....	18,704	244,842	4,071,600
Wool.....	33,661	413,750	6,030,650
Hides, green.....	32,378	712,753	6,289,357
Leather.....	11,536	200,122	1,958,549
Fish or sea-animal oil.....	3,580	94,869	949,624
Animals, live, n. o. s.....	2,357	28,542	228,572
Animal products, n. o. s. (other than fertilizers and fertilizer materials).....	78,637	1,593,206	12,049,284
Total.....	2,067,502	24,906,519	236,495,742
PRODUCTS OF MINES			
Anthracite coal.....	1,433,764	71,931,408	162,922,327
Bituminous coal.....	6,901,746	368,338,568	827,798,969
Coke.....	564,198	19,126,606	38,403,767
Iron ore.....	1,487,761	82,122,581	96,317,502
Copper ore and concentrates.....	126,892	7,056,659	3,004,922
Lead ore and concentrates.....	47,676	2,425,092	2,450,913
Zinc ore and concentrates.....	30,987	1,464,061	4,705,849
Ores and concentrates, n. o. s.....	71,458	3,825,222	10,484,106
Gravel and sand (other than glass or molding).....	1,511,267	81,408,069	69,420,839
Stone, broken, ground, or crushed.....	622,472	33,529,078	29,860,479
Stone, rough, n. o. s.....	127,364	5,865,916	9,760,359
Stone, finished, n. o. s.....	23,379	755,690	4,053,601
Petroleum, crude.....	198,109	6,630,354	27,604,840
Asphalt (natural, by-product, or petroleum).....	93,259	3,196,392	13,712,067
Salt.....	108,340	3,183,037	16,332,962
Phosphate rock, crude (ground or not ground).....	106,264	5,164,978	7,049,139
Sulphur (brimstone).....	40,406	2,252,526	6,324,452
Products of mines, n. o. s.....	780,613	39,602,475	62,753,847
Total.....	14,275,955	737,878,712	1,392,960,940
PRODUCTS OF FORESTS			
Logs.....	942,971	30,579,633	21,388,689
Posts, poles, and piling.....	190,927	5,344,932	24,961,800
Wood (fuel).....	129,845	3,686,526	3,666,243
Ties, railroad.....	130,866	4,024,144	12,450,385
Pulpwood.....	211,855	6,780,606	11,364,813
Lumber, shingles, and lath.....	1,397,450	37,412,851	244,776,766
Box, crate, and cooperage materials.....	137,546	3,153,124	18,533,091
Veneer and built-up wood.....	16,231	371,293	2,647,308
Rosin.....	35,843	611,570	2,785,814
Turpentine.....	3,449	72,456	747,053
Crude rubber (not reclaimed).....	20,400	560,128	4,630,337
Products of forests, n. o. s.....	114,569	2,257,878	7,586,828
Total.....	3,331,952	94,855,141	355,539,127

TABLE H.—*Carloads and tons of commodities originated and freight revenue, calendar year 1929, Class I steam railways—Continued*

Commodity	Revenue freight originated		Freight revenue
	Number of carloads	Number of tons (2,000 pounds)	
MANUFACTURES AND MISCELLANEOUS			
Petroleum oils, refined, and all other gasolines.....	1,640,890	46,500,369	\$273,101,884
Fuel, road, and petroleum residual oils, n. o. s.....	399,692	13,477,520	52,297,120
Lubricating oils and greases.....	182,275	3,973,024	25,521,300
Petroleum products, n. o. s.....	11,244	289,045	1,433,619
Cottonseed oil.....	34,401	1,012,366	6,212,913
Linseed oil.....	10,808	286,338	1,804,031
Vegetable oils, n. o. s.....	15,346	434,495	3,611,855
Sugar (beet or cane).....	144,700	4,333,905	35,473,408
Table sirups and edible molasses.....	25,821	740,649	5,316,174
Molasses, blackstrap, and beet residual.....	17,185	783,519	3,210,665
Iron, pig.....	150,112	8,000,409	15,271,568
Iron and steel, rated sixth class in official classification, n. o. s.....	111,614	5,746,415	9,514,656
Rails, fastenings, frogs, and switches.....	63,234	2,658,312	8,699,149
Cast-iron pipe and fittings.....	74,029	1,763,540	11,553,927
Iron and steel pipe and fittings, n. o. s.....	192,384	5,906,081	51,409,699
Iron and steel: Nails and wire, not woven.....	76,874	1,873,415	10,190,959
Iron and steel, rated fifth class in official classification, n. o. s. (also tin andterne plate).....	1,138,641	37,427,219	158,207,759
Copper: Ingot, matte, and pig.....	24,200	1,108,112	8,566,721
Copper, brass, and bronze: Bar, sheet, and pipe.....	16,469	444,006	3,176,443
Lead and zinc: Ingot, pig, or bar.....	32,013	1,337,833	9,497,656
Aluminum: Ingot, pig, or slab.....	3,084	81,411	1,011,143
Machinery and boilers.....	220,444	3,930,942	39,437,690
Cement, natural or Portland (building).....	659,797	25,008,203	67,083,562
Brick, common.....	164,774	6,133,482	11,928,377
Brick, n. o. s., and building tile.....	284,768	10,348,820	28,010,675
Artificial stone, n. o. s.....	24,443	733,226	2,284,365
Lime, common (quick or slaked).....	117,380	2,678,896	8,477,203
Plaster (stucco or wall) and dry kalsomine.....	79,644	2,124,257	8,743,567
Sewer pipe and drain tile (not metal).....	146,321	2,708,023	9,742,533
Agricultural implements and parts, n. o. s.....	98,403	1,425,662	15,555,206
Vehicles, horse-drawn, and parts, n. o. s.....	5,092	72,595	904,476
Tractors and parts.....	44,294	637,627	8,044,813
Railway car wheels, axles, and trucks.....	18,552	571,266	2,476,903
Automobiles (passenger).....	617,129	3,693,939	126,674,211
Autotrucks.....	32,485	276,634	6,667,517
Automobiles and autotrucks, k. d. and parts, n. o. s.....	309,925	5,712,309	60,373,432
Automobile and autotruck tires.....	54,137	739,660	12,544,414
Furniture, metal.....	18,408	227,436	2,810,162
Furniture, other than metal.....	110,895	874,659	17,259,826
Beverages.....	40,193	773,686	5,045,558
Ice.....	126,069	3,309,968	3,887,754
Fertilizers, n. o. s.....	490,205	13,275,735	37,554,388
Newsprint paper.....	59,466	1,472,867	16,169,050
Printing paper, n. o. s.....	85,049	2,007,630	11,492,846
Alcohol denatured or wood.....	18,405	409,208	2,990,172
Sulphuric acid.....	53,487	2,484,142	6,643,506
Explosives, n. o. s.....	19,879	319,836	5,869,951
Cotton cloth and cotton fabrics, n. o. s.....	52,734	519,878	6,762,825
Bagging and bags, burlap, gunny, or jute.....	24,276	420,916	3,378,113
Canned food products, n. o. s.....	221,606	5,029,411	46,034,078
Tobacco, manufactured products.....	9,090	164,914	3,284,947
Paints in oil and varnishes.....	24,612	529,583	4,347,335
Furnace slag.....	184,899	9,834,607	6,614,794
Scrap iron and scrap steel.....	349,380	13,527,292	29,428,516
Paper bags and wrapping paper.....	69,451	1,546,560	10,372,499
Paperboard, pulpboard, and wallboard (paper).....	116,460	2,511,347	13,126,594
Building paper and prepared roofing materials.....	105,224	2,324,998	12,183,396
Building woodwork (millwork).....	25,326	452,106	4,715,515
Soap and washing compounds.....	56,690	1,176,176	8,792,241
Glass, flat, other than plate.....	16,698	469,924	3,468,458
Glass: Bottles, jars, and jelly glasses.....	93,074	1,666,181	11,175,423
Manufactures and miscellaneous, n. o. s.....	2,842,221	59,761,495	367,865,799
Total.....	12,456,404	330,064,079	1,745,305,439
Grand total, carload traffic.....	36,821,868	1,303,047,736	4,451,890,050
All l. c. l. freight.....		36,043,271	514,721,436
Grand total, carload and l. c. l. traffic.....		1,339,091,007	4,966,611,486

TABLE I.—*Summary of casualties to persons on steam railways in the United States for the years ended December 31, 1929, 1928, 1927, 1926, and 1925*¹

Class of persons	Number of persons									
	1929		1928		1927		1926		1925	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
1. Trespassers.....	2, 266	2, 334	2, 336	2, 362	2, 580	2, 715	2, 431	2, 536	2, 452	2, 682
2. Employees:										
Trainmen on duty.....	614	19, 789	538	21, 603	669	25, 211	723	30, 781	722	29, 175
Other employees.....	523	2, 392	500	2, 427	565	2, 946	646	3, 421	575	3, 308
Total employees.....	1, 137	22, 181	1, 038	24, 030	1, 234	28, 157	1, 369	34, 202	1, 297	32, 483
3. Passengers.....	97	3, 843	83	3, 464	79	3, 886	149	4, 458	165	4, 950
4. Persons carried under contract.....	17	759	23	484	19	545	13	664	27	601
5. Other nontrespassers.....	2, 615	7, 582	2, 665	7, 306	2, 470	7, 300	2, 584	7, 776	2, 274	7, 267
Total, classes 1 to 5.....	6, 132	36, 699	6, 145	37, 646	6, 382	42, 603	6, 546	49, 636	6, 215	47, 983
6. Casualties in nontrain accidents.....	364	40, 296	366	48, 550	439	62, 196	401	80, 586	402	89, 442

¹ Figures relating to suicide are excluded.

APPENDIX D

POINTS DECIDED BY THE COMMISSION IN REPORTED
RATE AND VALUATION CASES, WITH INDEX OF
POINTS DECIDED AND TABLE OF CASES

POINTS DECIDED IN REPORTED RATE AND VALUATION CASES

Hallsboro Mfg. Co. v. Atlantic Coast Line R. Co., 157 I. C. C. 124.

1. Rates on excelsior, in carloads, from Hallsboro, Norfolk, Portsmouth, Richmond, Petersburg, Ashland, and Jarratt, Va., to Louisville, Ky., St. Louis, Mo., and Cincinnati, Cleveland, and Columbus, Ohio, found unreasonable but not otherwise unlawful. Reasonable rates prescribed for the future.

Restriction in absorption of switching charges, 157 I. C. C. 129.

2. Proposed reduction in absorption of switching charges of the Alton & Southern at East St. Louis, Ill., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Verhalen Co. v. Atchison, T. & S. F. Ry. Co., 157 I. C. C. 133.

3. Rates on fruit and vegetable baskets and hampers, in carloads, from points in transcontinental Groups E and F to California destinations found unreasonable. Reasonable rates prescribed for the future.

Sumter Packing Co. v. Atlantic Coast Line R. Co., 157 I. C. C. 137.

4. Carload rates on fruits and vegetables, in metal cans in boxes or barrels, from Sumter, Manning, Summerton, and Greeleyville, S. C., to certain destinations in Ohio, Indiana, eastern Illinois, Kentucky, Tennessee, and in Kansas-Missouri territory as described in the *Consolidated Southwestern Cases*, found not unreasonable in the past, but unreasonable for the future.

5. Carload rates on the same commodities from the same origin points to certain destinations in Iowa, Nebraska, western Illinois, Wisconsin, and to certain Kansas-Missouri destinations outside of the Kansas-Missouri territory described in the *Consolidated Southwestern Cases*, found not to have been or to be unreasonable.

6. Carload rates on the same commodities from the same origin points to West Plains, Mo., and Winfield, Wichita, and Emporia, Kans., found to have been and to be unreasonable.

7. Less-than-carload rates on the same commodities from the same origin points to these same destinations found not to have been or to be unreasonable except that prior to February 1, 1929, those rates on vegetables, in metal cans in boxes or barrels, within southern territory, found unreasonable to the extent that they exceeded the contemporaneous fourth-class rates on like traffic from and to the same points.

8. Reasonable rates prescribed for the future and reparation awarded on certain past shipments. Complainant not shown to have been damaged by any undue prejudice which may have existed.

9. Fourth-section relief denied.

10. Appropriate orders entered.

Southwest Utility Ice Co. v. Atchison, T. & S. F. Ry. Co., 157 I. C. C. 146.

11. Rates on salt and salt tailings, in carloads, from producing points in Louisiana, Kansas, and Texas, to certain points in Arkansas and Oklahoma, found unreasonable. Reasonable rates for the future prescribed from Louisiana producing points to Hugo, Okla., and from Grand Saline, Tex., to certain destinations in Oklahoma. Reparation awarded.

Fredonia Linseed Oil Works Co. v. Missouri Pac. R. Co., 157 I. C. C. 151.

12. Rates on linseed oil, in carloads from Fredonia, Kans., to Memphis, Tenn., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Rose v. Louisville & N. R. Co., 157 I. C. C. 155.

13. Rates on animal or poultry feed, other than condimental or medicinal, in less than carloads, from Nashville, Tenn., to points in Buffalo-Pittsburgh, trunk-line, and New England territories found not unreasonable or unduly prejudicial. Complaint dismissed.

United States Lime Products Corp. v. Atchison, T. & S. F. Ry. Co., 159 I. C. C. 159.

14. Rates and minimum weights on lime and lime products, in carloads, from Sloan, Nev., to certain destinations in California, found not unreasonable but unduly prejudicial. Undue prejudice ordered removed.

Dennery v. Houston & T. C. R. Co., 157 I. C. C. 164.

15. Rate charged on imported prepared desiccated coconut, in carloads, from Galveston, Tex., to Dallas, Tex., found not unreasonable.

16. Rate charged on a like kind of traffic from New Orleans, La., to Dallas, Tex., found unreasonable. Reparation awarded.

Star Drilling Machine Co. v. Louisville & N. R. Co., 157 I. C. C. 169.

17. Rate charged on one carload of well-drilling machinery and equipment from Beattyville, Ky., to Akron, Ohio, found inapplicable. Reparation awarded.

Southern Pine Asso. v. Aberdeen & Rockfish R. Co., 157 I. C. C. 171.

18. Rates on lumber, in carloads, from Perry, Fla., and points grouped therewith, to Buffalo-Pittsburgh, trunk-line, and New England territories found unreasonable. Reasonable rates prescribed for the future.

Feigenspan v. Erie R. Co., 157 I. C. C. 176.

19. Certain shipments of imported anthracite coal and coke from Weehawken, N. J., to East Orange, N. J., found to be import traffic subject to the jurisdiction of this commission.

20. Rates charged on above shipments found unreasonable. Reparation awarded.

Texas Cement Plaster Co. v. Missouri-K-T. R. Co. of Tex., 157 I. C. C. 181.

21. Two mixed shipments of cement, plaster board, and plaster from Plasterco Junction, Tex., to Bogalusa, La., found overcharged. Reparation awarded.

Concord Chamber of Commerce v. Boston & M. R., 157 I. C. C. 183.

22. Class rates between Concord and Manchester, N. H., on the one hand and Boston, Mass., on the other found unreasonable. Reparation awarded. Class rates between sundry other points in New England zone A territory found unreasonable. Rates for the future prescribed.

Holmes Coal Co. v. Chesapeake & O. Ry. Co., 157 I. C. C. 188.

23. Rate applicable on bituminous coal, in carloads, from South Carbon, W. Va., to St. Paul, Minn., found unreasonable. Waiver of outstanding undercharges authorized and complaint dismissed.

Acorn Lumber Co. v. Southern Ry. Co., 157 I. C. C. 191.

24. Applicable charges on one carload of lumber shipped from Strother, S. C., to Salamanca, N. Y., and diverted to transit to Coudersport, Pa., found not unreasonable or otherwise unlawful. Complaint dismissed.

Erb Co. v. St. Louis-S. F. Ry. Co., 157 I. C. C. 195.

25. Rate charged on fresh apples in carloads, from Republic, Mo., to Memphis, Tenn., found unreasonable. Reparation awarded.

Federated Metals Corp. v. Pennsylvania R. Co., 457 I. C. C. 197.

26. Commodity rate from Detroit, Mich., to Baltimore, Md., found inapplicable on certain shipments of brass ingots, in carloads, from East Liberty, Pa., Shadyside station.

Carrollton Excelsior & Fuel Co. v. New Orleans & N. E. R. Co., 157 I. C. C. 199.

27. Rate on slab cordwood and excelsior wood, in carloads, from Sandersville, Miss., to New Orleans, La., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Lamb Lumber Co. v. Chicago, B. & Q. R. Co., 157 I. C. C. 201.

28. Rates charged on numerous carloads of lumber and articles taking lumber rates from Rapid City, S. Dak., to destinations in official territory found inapplicable. Reparation awarded.

Wolcott & Lincoln, v. Chicago & A. R. Co., 157 I. C. C. 203.

29. Rate charged on corn, in carloads, from Kansas City, Mo., to Chicago, Ill., which originated beyond and was stored in transit at Kansas City, found applicable. Complaint dismissed.

Arkansas Tie & Timber Co. v. St. Louis-S. F. Ry. Co., 157 I. C. C. 206.

30. Rate charged on two carloads of hewn white-oak railroad ties from Osborne, Ark., to Pittsburg, Kans., found unreasonable. Reparation awarded.

Flor Co. v. Missouri-K.-T. R. Co., 157 I. C. C. 208.

31. Carload of saddletrees, saddlery hardware, wooden patterns, paper patterns, and "iron forms" from Jefferson City, Mo., to Demorest, Ga., found undercharged. Complaint dismissed.

May Co. v. Reading Co. 157 I. C. C. 211.

32. Charges collected on shipment of floral designs from Philadelphia, Pa., to Cleveland, Ohio, found not unreasonable or otherwise unlawful. Complaint dismissed.

Hitchner & Hitchner v. Chicago, M., St. P. & P. R. Co., 157 I. C. C. 213.

33. Carload rate on cedar posts from Ruby, Wash., to Yuma, Colo., found unreasonable. Waiver of undercharge authorized. Complaint dismissed.

Class rates from eastern points to Jacksonville, 157 I. C. C. 215.

34. Application for authority to establish rates on classes between points in trunk-line and New England territories, on the one hand, and Jacksonville, Fla., on the other, denied.

Owosso Mfg. Co. v. Asherton & G. Ry. Co., 157 I. C. C. 219.

35. Rates on collapsible wooden fruit and vegetable crates, in carloads, from Benton and Camden, Ark., to destinations in Texas found applicable and not unreasonable or unjustly discriminatory but unduly prejudicial. Undue prejudice directed to be removed. Reparation denied.

Keeney & Son v. Oregon S. L. R. Co., 157 I. C. C. 225.

36. Complaint alleging that the rate charged on a carload shipment of beams from Filer, Idaho, to Atlanta, Ga., was unreasonable and inapplicable found barred. Complaint dismissed.

Boger & Crawford v. Seaboard Air Line Ry. Co., 157 I. C. C. 227.

37. Rate on cotton yarn, in carloads, from Lincolnton, N. C., to Philadelphia, Pa., found not unreasonable, but unduly prejudicial. Nonprejudicial rate prescribed.

Pennington Produce Co. v. Texas & Pac. Ry. Co., 157 I. C. C. 229.

38. Rate charged on shipments of live poultry, in carloads, from various points in Texas to New Orleans, La., found not unreasonable. Complaint dismissed.

Ciresi Fruit Co. v. Chicago & N. W. Ry. Co., 157 I. C. C. 233.

39. Rate charged on grapes, in carloads, from Paw Paw, Mich., to St. Paul, Minn., found applicable but unreasonable. Reparation awarded.

Atlantic Lumber Co. v. Louisville & N. R. Co., 157 I. C. C. 236.

40. Rates charged on hardwood lumber, in carloads, from Duff and Knoxville, Tenn., to Cowansville and St. Hyacinthe, Quebec, Canada, found inapplicable. Applicable rates found unreasonable. Reparation awarded.

Federated Metals Corp. v. Pennsylvania R. Co., 157 I. C. C. 242.

41. Rates on spelter, in carloads, from Trenton, N. J., to points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, Missouri, Wisconsin, West Virginia, Virginia, Kentucky, and Tennessee found unduly prejudicial to Trenton and unduly preferential of Palmerton, Pa., but not otherwise unlawful. Undue prejudice ordered removed.

42. Fourth-section relief granted until date of order to be entered in No. 15879.

Lumber from points in Florida to Port Tampa, 157 I. C. C. 248.

43. Proposed increased rates on lumber, in carloads, from certain points in Florida to Port Tampa, Fla., for export or interstate coastwise movement, found justified. Order of suspension vacated and proceeding discontinued.

Automatic Train-Control Devices, 157 I. C. C. 251.

44. After inspection and test, installations found to be in conformity with plans furnished by the carrier and installations are approved except as noted.

45. Certain features in connection with the requirements and specifications are brought to the carrier's attention for further consideration and appropriate action.

Pittston Paper Corp. v. Lehigh Valley R. Co., 157 I. C. C. 264.

46. Rates on wood pulp, in carloads, from New York Harbor, N. Y., to Forest Castle, Pa., found unreasonable. Reasonable rate prescribed and reparation awarded.

United States Graphite Co. v. Grand Trunk W. Ry. Co., 157 I. C. C. 269.

47. Rate charged on ground mica, in bags, in carloads, from Valparaiso, Ind., to Saginaw, Mich., not found unreasonable. Complaint dismissed.

Florida Dairies v. Delaware, L. & W. R. Co., 157 I. C. C. 271.

48. Rate charged on one carload of glass milk bottles from Elmira, N. Y., to Miami, Fla., found not unreasonable. Complaint dismissed.

American Cross Arm Co. v. Southern Ry. Co., 157 I. C. C. 273.

49. Rate on wooden insulator pins, in carloads, from Barboursville, Va., to Jacksonville, Fla., found unreasonable. Basis for future rate prescribed and reparation awarded.

Phillips Petroleum Co. v. Atchison, T. & S. F. Ry. Co., 157 I. C. C. 275.

50. Rates charged prior to July 14, 1928, on muriatic acid, in carboys, in carloads, from Bartelsville, Okla., to Breckenridge and Borger, Tex., found unreasonable. Present rates found not unreasonable. Reparation awarded.

Rules covering collection and delivery of less than carload freight, 157 I. C. C. 277.

51. Proposed schedules providing for delivery and collection of certain interstate shipments of less-than-carload freight at Bennetsville, S. C., under the line-haul rates, found justified. Order of suspension vacated and proceeding discontinued.

Adams-Bank Lumber Co. v. Aberdeen & Rockfish R. Co., 157 I. C. C. 280.

52. In No. 16383 rates on lumber and forest products from points in north-western Florida, western Alabama, and in Mississippi to destinations in Maryland, Delaware, New Jersey, Pennsylvania, Virginia, West Virginia, New York, and the District of Columbia found not unreasonable. Complaint dismissed.

53. In No. 16383 (Sub-No. 1) rates on lumber and forest products from the Mississippi Valley and southeastern territories to destinations in the so-called mideastern mining district of Tennessee, Virginia, West Virginia, and Kentucky found not unreasonable. Complaint dismissed.

54. In No. 16383 (Sub-No. 2), rates on lumber and forest products from the Mississippi Valley and southeastern territories to destinations in the eastern part of central territory, intermediate to eastern destinations via Ohio River gateway routes, found not unreasonable. Complaint dismissed.

55. In Investigation and Suspension Docket No. 2639 proposed revision of the rates on lumber and forest products from eastern and western Alabama to certain of the destinations embraced in the original complaint in No. 16383 permitted to become effective.

56. In Investigation and Suspension Docket No. 2479 proposed revisions of rates on lumber and forest products from Tennessee, Mississippi, Alabama, Georgia, and Florida to South Carolina, North Carolina, and the Virginia cities and points taking the same rates, and points directly intermediate thereto; between South Carolina and North Carolina; and between points in the Carolinas and points in Virginia intermediate to the Virginia cities permitted to become effective.

57. In No. 18230 rates on lumber, in carloads, from points in Alabama and Mississippi on the Memphis division of the Southern Railway to destinations in Illinois and Indiana found not unreasonable. Complaint dismissed.

58. Findings in *North Carolina Pine Asso. v. A. C. L. R. R. Co.*, 85 I. C. C. 270, on the interpretation of which the original complaint in No. 16383 is largely based, discussed and interpreted

Amber Furniture Co. v. Cleveland, C., C. & St. L. Ry. Co., 157 I. C. C. 311.

59. Rates charged on carload shipments of furniture from points in Indiana, Kentucky, and Tennessee to Chicago, Ill., found inapplicable. Reparation awarded.

Advance Bag & Paper Co. v. Central R. Co. of N. J., 157 I. C. C. 317.

60. Rate on salt cake, in carloads, from Jersey City, N. J., to Howland, Me., found not unreasonable or otherwise unlawful. Rates on same commodity from Everett and South Wilmington, Mass., to Howland found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Transcontinental Oil Co. v. Atlanta & St. A. B. Ry. Co., 157 I. C. C. 322.

61. Rates on fuller's earth, in carloads, from Quincy, Midway, and Jamieson, Fla., to Forth Worth (Hodge), Tex., Boynton, Muskogee, Okmulgee, and Ponca City, Okla., and Coffeyville, Kans., found unreasonable. Reasonable rates prescribed and reparation awarded.

Jackson Traffic Bureau v. Alabama G. S. Ry. Co., 157 I. C. C. 327.

62. Rate charged on wooden wall cases, or shelving, shipped loose in a mixed carload of store fixtures from Jackson, Miss., to Alexander City, Ala., found not unreasonable. Complaint dismissed.

New River Lumber Co. v. Chesapeake & O. Ry. Co., 157 I. C. C. 329.

63. Rates on lumber, in carloads, from Long Bottom, W. Va., to interstate destinations in central territory, States adjacent thereto, and Canada found not unreasonable. Complaint dismissed.

Watab Paper Co. v. Chicago & N. W. Ry. Co., 157 I. C. C. 335.

64. Rates on sulphite wood pulp, in carloads, from Anacortes, Wash., to Sartell, Minn., found not unreasonable or otherwise unlawful. Complaint dismissed.

Platt & Brahm Coal Co. v. Chicago & N. W. Ry. Co., 157 I. C. C. 340.

65. Carload of bituminous coal from Carbon, W. Va., to Sutherland, Iowa, found undercharged. Applicable charges found unreasonable. Defendants authorized to waive collection of the outstanding undercharges. Complaint dismissed.

Federal Fruit Distributors v. Southern Pac. Co., 157 I. C. C. 343.

66. Rates charged on numerous carloads of grapes shipped in refrigerator cars from specified points in California to Modesto and San Jose, Calif., there stored in transit and reshipped to eastern destinations, found not unreasonable. Complaint dismissed.

Hawley v. Atchison, T. & S. F. Ry. Co., 157 I. C. C. 345.

67. Damage not being proved, complaint seeking reparation because of alleged unreasonable charges on common salt, in carloads, from Hutchison, Lyons, Emporia, and Kanopolis, Kans., to specified points in Oklahoma, dismissed.

Combination Rule on Granite, Marble, or Stone, 157 I. C. C. 346.

68. Proposed restriction of the application of the combination rule in constructing combination rates on granite, marble, or stone from certain shipping points in Georgia, North Carolina, South Carolina, and Virginia to various interstate destinations, including points in western trunk-line territory and the Southwest, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Seneca Wire & Mfg. Co. v. New York, C. & St. L. R. Co., 157 I. C. C. 349.

69. Lawful rates on iron and steel articles, in carloads, between all points in official classification territory having been prescribed in *Iron and Steel Articles*, 155 I. C. C. 517, complaint seeking nonprejudicial rates thereon from Fostoria, Ohio, to specified points in New York, Pennsylvania, and West Virginia, dismissed.

Commercial Club of Faulkton v. Chicago, M., St. P. & P. R. Co., 157 I. C. C. 350.

70. Public convenience and necessity found to require the construction and operation of a suitable track for the interchange of freight traffic at Faulkton, S. Dak., between intersecting lines of the Chicago, Milwaukee, St. Paul & Pacific Railroad and the Chicago & North Western Railway.

Ajax Paper Mills v. Pennsylvania R. Co., 157 I. C. C. 357.

71. Rates on imported wood pulp from Baltimore, Md., to Buck Run, Pa., found unreasonable. Reparation awarded. Shipments of wood pulp from Philadelphia, Pa., to Buck Run not shown to have moved interstate.

Southern Traffic & Audit Asso. v. Missouri-K-T. R. Co., 157 I. C. C. 361.

72. Less-than-carload rate charged on beverage cooling and dispensing outfits from Galveston, Tex., to St. Louis, Mo., found applicable and not unreasonable. Complaint dismissed.

Calamari Co. v. Missouri Pac. R. Co., 157 I. C. C. 366.

73. Eight carloads of pecans in the shell, from New Roads and Glynn, La., to Chicago, Ill., found not misrouted. Rates charged on these shipments, as well as an additional carload from New Roads to Chicago, October 22, 1923, found inapplicable, undercharges resulting. Applicable rate found not unreasonable or otherwise unlawful. Complaint dismissed.

Kokomo Steel & Wire Co. v. Michigan Central R. Co., 157 I. C. C. 368.

74. Rate charged on certain carload shipments of wire nails, fencing, steel fence posts, and fasteners from Kokomo, Ind., to Chicago, Ill., and from Chicago Heights, Ill., to Kokomo found inapplicable. Applicable rate determined and reparation awarded.

Strauss & Son v. Denver & S. L. Ry. Co., 157 I. C. C. 371.

75. Rate charged on two carloads of lettuce from Granby and Yampa, Colo., to Monroe, La., found unreasonable. Present rate found not unreasonable. Reparation awarded.

Elin & Golub v. Baltimore & O. R. Co., 157 I. C. C. 373.

76. Rates charged on cotton piece goods, any quantity, from certain points in North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Tennessee to Albion, Ind., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Application of Union Lumber Co., 157 I. C. C. 376.

After full hearing of this application, *Found*:

77. That with respect to traffic subject to the interstate commerce act, the California Western Railroad & Navigation Company and the National Steamship Company, do and may compete with each other.

78. That the service of the National Steamship Company, between Fort Bragg and other California ports, is in the interest of the public and is of advantage to the convenience and commerce of the people, and that authority to continue such service will not exclude, prevent, or reduce competition on the route by water.

79. All rates, fares, schedules, and regulations of the National Steamship Company applicable to the transportation of persons and property subject to the interstate commerce act must be established by filing and posting as required by that act.

Illinois Oil Co. v. Atchison, T. & S. F. Ry. Co., 157 I. C. C. 381.

80. Rates on gasoline and other refined petroleum products, in carloads, from Group 3, Oklahoma points, to Paducah, Ky, found unreasonable. Reparation awarded.

Shreveport Chamber of Commerce v. Chicago, R. I. & P. Ry. Co., 157 I. C. C. 386.

81. Rate on empty soda-water bottles, in carloads, from Shreveport (Cedar Grove), La., to Memphis, Tenn., found not unreasonable or unduly prejudicial. Complaint dismissed.

Moore & Munger v. Atlanta & W. P. R. Co., 157 I. C. C. 389.

82. Rate charged on four carloads of paraffin wax from Casper, Wyo., to Oakland City, Ga., found not inapplicable. Complaint dismissed.

Western Burlap Bag Co. v. New York Central R. Co., 157 I. C. C. 391.

83. Rate charged on secondhand burlap bags, in carloads, from Toledo, East Toledo, and Wagon Works, Ohio, to Chicago, Ill., and Gary, Ind., found unreasonable. Reparation awarded.

Brown & Sons Lumber Co. v. Pennsylvania R. Co., 157 I. C. C. 393.

84. Rates on creosote oil, in tank-car loads, from Follansbee, W. Va., to Chattanooga, Tenn., and Brownville, Ala., found unreasonable. Reasonable rates prescribed and reparation awarded.

Budge Co. v. Baltimore & O. R. Co., 157 I. C. C. 399.

85. Rail-and-water rate on window glass, in carloads, from Clarksburg, W. Va., to Miami, Fla., found not unreasonable. Complaint dismissed.

Fulton Bag & Cotton Mills v. Mississippi W. S., 157 I. C. C. 401.

86. Rate charged on five carloads of burlap bags from Toledo, Ohio, to New Orleans, La., not found unreasonable or otherwise unlawful. Complaint dismissed.

Builders' Asso. of Kansas City v. Chicago, B. & Q. R. Co., 157 I. C. C. 403.

87. Rate charged on shipments of brick, in carloads, from Chanute, Kans., to Parkville, Mo., found not unreasonable. Complaint dismissed.

Sioux City Brick & Tile Co. v. Chicago & N. W. R. Co., 157 I. C. C. 405.

88. Rate charged on brick, in carloads, from Springfield, Ill., to Redfield, S. Dak., found inapplicable. Applicable rate found unreasonable. Reparation awarded.

Northern Field Seed Co. v. Great Northern R. Co., 157 I. C. C. 408.

89. Two carloads of grass seed transported from Roseau, Minn., to Winona, Minn., over an interstate route found not misrouted. Charges collected thereon found applicable and not shown to have been unreasonable. Complaint dismissed.

Skelly Oil Co. v. Atchison, T. & S. F. Ry. Co., 157 I. C. C. 410.

90. Applicable rate on empty storage tanks, set up, in carloads, from Burkburnett, Tex., to Kingsmill, Tex., over an interstate route, found unreasonable. Shipments overcharged. Reparation awarded.

Dixie Foundry Co. v. Evansville & O. V. Ry. Co., 157 I. C. C. 413.

91. Rates on molding sand, in carloads, from Sandale, Ind., to Cleveland, Tenn., over the 490-mile route referred to in the report, found unreasonable. A reasonable rate prescribed for the future and reparation awarded.

92. Applicable rate, since September 27, 1927, on the same commodity from and to the same points over the 455 mile route referred to in the report found not unreasonable.

93. Certain shipments found misrouted. Reparation awarded.

Milwaukee Electric Crane & Mfg. Corp. v. Atlantic Coast Line R. Co., 157 I. C. C. 417.

94. Carload rate charged on one traveling crane, and parts, from West Allis, Wis., to Avon Park, Fla., found inapplicable. Reparation awarded.

Warren Mfg. Co. v. Boston & M. R., 157 I. C. C. 419.

95. Rates on wood pulp, in carloads, from Mount Tom, Mass., Berlin, N. H., and Madison, Me., to Milford, N. J., found unreasonable. Reasonable rates prescribed and reparation awarded.

Columbus Brick Co. v. Columbus & G. R. Co., 157 I. C. C. 423.

96. Carload rates on common brick from Columbus, Miss., to Jackson, Kenton, McNairy, Henderson, and Brownsville, Tenn., found not unreasonable or otherwise unlawful. Complaint dismissed.

White Cross Bakery v. B. & O. R. Co., 157 I. C. C. 425.

97. Rates on printed waxed wrapping paper, in rolls, in less than carloads, between certain points in official territory, found unreasonable. Reparation awarded.

Concord Chamber of Commerce v. Boston & M. R., 157 I. C. C. 427.

98. Rate on hammered granite, in carloads, from Concord, N. H., to Hartford, Conn., found unreasonable and in violation of section 4 of the interstate commerce act. Reparation awarded.

Obermoller v. Atchison, T. & S. F. R. Co., 157 I. C. C. 430.

99. Rates on gasoline, kerosene, and distillate, in tank-car loads, from Groups 1, 2, and 3 of the mid-continent field to Tekamah, Bancroft, and Emerson, Nebr., found not unreasonable, and as to Emerson and Wayne, Nebr., found not in violation of the long-and-short-haul clause of section 4 of the interstate commerce act.

100. Rates on the same commodities, in tank-car loads, from the same points of origin to Wayne, Nebr., found not unreasonable in the past, but unreasonable for the future. Reasonable rates prescribed.

Milne Lumber Co. v. Wheeling & L. E. R. Co., 157 I. C. C. 433.

101. Demurrage charges collected at Massillon, Ohio, for detention of a carload of lumber found applicable. Complaint dismissed.

Lehigh Portland Cement Co. v. Chesapeake & O. R. Co., 157 I. C. C. 437.

102. Combination rate charged on a carload of cement from Chapman, Pa., to Quinwood, W. Va., found inapplicable in so far as it was subject to reduction pursuant to the so-called combination rule in Agent Jones's tariff I. C. C. No. U. S. 1. Reparation awarded.

Brown Florida Lumber Co. v. Louisville & N. R. Co., 157 I. C. C. 440.

103. Rate charged on one locomotive crane, on its own wheels, with idler car carrying parts, from Brownsville, Ala., to Caryville, Fla., found unreasonable. Reparation awarded.

United States Graphite Co. v. Canadian Pac. R. Co., 157 I. C. C. 443.

104. Carload rate charged on crude graphite, in bags, from Calabogie, Ontario, Canada, to Saginaw, Mich., found not unreasonable. Complaint dismissed.

Hercules Glue Co. v. Great Northern Ry. Co., 157 I. C. C. 445.

105. Rate on insecticide spreader, in carloads, from San Francisco, Calif., to Wenatchee, Wash., found not unreasonable or otherwise unlawful. Complaint dismissed.

National Bag Mfg. Co. v. Ann Arbor R. Co., 157 I. C. C. 447.

106. Rate charged on secondhand burlap bags, in carloads, from Toledo, Ohio, to Minneapolis, Minn., found unreasonable. Reasonable rate prescribed and reparation awarded.

National Cottonseed Products Corp. v. Chicago, I. & L. Ry. Co., 157 I. C. C. 449.

107. Rates on crude cottonseed oil, in carloads, from Louisville, Ky., to Chicago, Ill., found applicable. Complaint dismissed.

Magnolia Petroleum Co. v. Atchison, T. & S. F. Ry. Co., 157 I. C. C. 451.

108. Rates on wrought-iron pipe, in carloads, between points in Texas and Oklahoma, found unreasonable. Reparation awarded.

Globe Superior Corp. v. Southern Ry. Co., 157 I. C. C. 456.

109. Rate on cotton piece goods, any quantity, from Pell City, Ala., to Commerce, Ga., prior to January 30, 1927, found unreasonable, but not unreasonable thereafter. Reparation awarded. Fourth-section relief denied.

Novadell Process Corp. v. Belt Ry. Co. of Chicago, 157 I. C. C. 459.

110. Ratings and rates applied on flour-bleaching compound prior to April 30, 1928, from Buffalo, N. Y., to Chicago, Ill., and from Buffalo and Chicago to Nashville, Tenn., Minneapolis, Minn., Kansas City and St. Louis, Mo., and Denver, Colo., found inapplicable. Applicable ratings and rates found not unreasonable. Reparation awarded.

Smith Agency v. Seaboard Air Line Ry. Co., 157 I. C. C. 464.

111. Carload rate charged on pulpboard from Cedartown, Ga., to Lynchburg, Va., found unreasonable. Reparation awarded.

Southwestern Brick Cases, 157 I. C. C. 467.

112. Formula for computing distances approved in the report on further hearing, 156 I. C. C. 191, clarified.

Babcock, Boomer & Babcock Co. v. Northern Pac. Ry. Co., 157 I. C. C. 469.

113. Combination class A rate charged for the transportation of a gasoline-power shovel from Milwaukee, Wis., to Ironton, Minn., upon which shipment complainant claims benefit of a contemporaneous commodity rate applicable to "machinery, hoisting," as one factor of the combination, not shown to have been inapplicable. Complaint dismissed.

South Georgia Traffic Bureau v. Atlanta, B. & C. R. Co., 157 I. C. C. 472.

114. Rate charged on a carload of fertilizer from Cordele, Ga., to Lee, Fla., found unreasonable. Reparation awarded.

Norris Fertilizer Co. v. Louisville & N. R. Co., 157 I. C. C. 475.

115. Upon reconsideration, finding in former report, 148 I. C. C. 351, that combination rates on acid phosphate, in carloads, from West Nashville, Tenn., to Rushville, Ind., were not unreasonable, affirmed.

Potato Implement Co. v. Ann Arbor R. Co., 157 I. C. C. 477.

116. Less-than-carload ratings on corn and potato planters, hand, not wheeled, in boxes, in official and western classifications found unreasonable. Reasonable ratings prescribed.

Shredded Wheat Co. v. New York Central R. Co., 157 I. C. C. 479.

117. Carload rates on Shredded Wheat from Niagara Falls, N. Y., to Montreal, P. Q., Canada, for export, found unreasonable. Reparation awarded.

American Hide & Fur Co. v. Chicago, M., St. P. & P. R. Co., 157 I. C. C. 481.

118. Rates on scrap iron and scrap steel, in carloads, from Sioux Falls, S. Dak., to Duluth and Steelton, Minn., and Superior, Wis., prior to May 1, 1928, found unreasonable but not unduly prejudicial. Reparation awarded.

119. Present rates on like traffic between the same points found not unreasonable or unduly prejudicial.

120. Failure of defendants to establish reworking and sorting-in-transit privilege at Sioux Falls on the same commodity found not unreasonable or unduly prejudicial.

Brannon Coal Co. v. Southern Ry. Co., 157 I. C. C. 486.

121. Rates on coal, in carloads, from certain mines in Alabama to Meridian, Miss., found unreasonable. Reparation awarded.

Pioneer Compost Co. v. Southern Pac. Co., 157 I. C. C. 489.

122. Rate from San Francisco, Calif., to Terminus, Calif., on cyanamid, in carloads, received at San Francisco by boat from an eastern port, found unreasonable. Reasonable rate prescribed and reparation awarded.

Boldt Paper Mills Co. v. New Iberia & N. R. Co., 157 I. C. C. 493.

123. Demurrage charges assessed on shipments of scrap paper, in carloads, for detention at New Iberia, La., not shown to have been, as claimed by complainant, the unavoidable result of flood conditions at that point in 1927 or to have been unreasonable. Complaint dismissed.

Willow Springs Creamery Co., v. Illinois Central R. Co., 157 I. C. C. 495.

124. Rates on butter, in straight carloads, and on butter and eggs, in mixed carloads, from Springfield, Mo., to New Orleans, La., found not unreasonable. Complaint dismissed.

Sand, gravel, crushed stone, and shells, 157 I. C. C. 498.

125. Upon petition of defendant and respondent southwestern lines, findings in former report, 155 I. C. C. 247, modified so as to eliminate therefrom rates between various points located on the Mississippi River. Formula for computing distances approved in the former report, also clarified. Original order modified accordingly.

State of Idaho v. Oregon S. L. R. Co., 157 I. C. C. 501.

126. Class rates on traffic moving via the Rogerson-Wells cut-off between points on the Oregon Short Line in Idaho north and west of Pocatello and points on the Southern Pacific in California Group 1 found unreasonable but not otherwise unlawful. Reasonable basis of rates prescribed for the future.

127. Commodity rates in effect between the same points over the cut-off found not unreasonable or otherwise unlawful.

128. Class and commodity rates between the same Idaho points and points on the Southern Pacific in Nevada via the cut-off found not unreasonable or otherwise unlawful.

129. Class and commodity rates between Los Angeles, Calif., and the same Idaho points found not unreasonable or otherwise unlawful.

Lassiter & Co. v. Alabama G. S. R. Co., 157 I. C. C. 512.

130. Rate charged on crushed stone, in carloads, from Mascot, Tenn., to Harahan, La., found inapplicable. Reparation awarded.

Cancellation of commodity rates on sewer pipe, 157 I. C. C. 514.

131. Schedules proposing to increase to sixth-class rates the present commodity rates on vitrified-clay sewer pipe and on wall coping from and to points in central territory, and from Ohio points to certain points in Buffalo-Pittsburgh territory found not justified. Schedules ordered canceled without prejudice to the filing of new schedules in accordance with the views expressed.

132. Schedules proposing to increase rates on the same commodities from certain points in western Pennsylvania in eastern trunk-line territory to destinations in said territory found not justified. Schedules ordered cancelled without prejudice to the filing of new schedules in accordance with the views expressed.

133. Rates on the same commodities from Craigsville, Pa., to destinations in eastern trunk-line and New England territories found unreasonable and unduly prejudicial for the future to the extent they exceed 90 per cent of the sixth-class rates. Rates on the same commodities from St. Marys, Brockway, Patton, and Clearfield, Pa., to the same destinations found unduly preferential of said points to the extent they are or may be less than 90 per cent of the sixth-class rates.

134. Rate from Uhrichsville, Ohio, to Williamsville, N. Y., found not unreasonable in the past, but unreasonable for the future to the extent it may exceed 90 per cent of the sixth-class rate.

Transit on grain on Baltimore & O. R., 157 I. C. C. 536.

135. Proposed cancellation of transit services on grain, grain products, and feed at certain points on the Baltimore & Ohio (lines west), when originating beyond at points on connecting lines and destined to points on or reached via the Pennsylvania, except to points on or reached via the Cumberland Valley division of the latter carrier. Shippensburg, Pa., to Martinsburg, W. Va., inclusive, found not justified. Suspended schedules ordered canceled, and proceeding discontinued.

136. Proposed restriction of joint through rates on grain, grain products, and grain by-products originating on the Baltimore & Ohio (lines west), when destined to points on or reached via the Pennsylvania, so as to apply only via certain specified junctions, found not justified. Suspended schedules ordered canceled, and proceeding discontinued.

Brick and related articles from Sioux City, 157 I. C. C. 539.

137. Proposed increased rates on brick and related articles, in carloads, from Sioux City and Sargent's Bluffs, Iowa, to Kansas City, Mo., and other lower Missouri River points, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Smith Agency, v. Central Georgia Ry. Co., 157 I. C. C. 540.

138. Rail-water-rail sixth-class rate charged on eight carloads of high-temperature bonding mortar from Gillispie, N. J., to Birmingham, Ala., found unreasonable. Reparation awarded to basis of reduced rate subsequently established over one route of movement, and same rate prescribed for future application over other route.

Duffy-Trowbridge Stove Mfg. Co. v. Atchison, T. & S. P. Ry. Co., 157 I. C. C. 543.

139. Rates on silica and molding sand, in carloads, from Ottawa, Utica, Arenzville, and Dallas City, Ill., to Hannibal, Mo., found to have been and to be unduly prejudicial. Present rates from Dallas City and Arenzville found to be unreasonable. Rates in the past and present rates from Ottawa and Utica found not unreasonable. Reasonable and unprejudicial rates prescribed.

Procter & Gamble Co. v. Alabama G. S. R. Co., 157 I. C. C. 547.

140. Rate on red oil, in carloads, from Ivorydale (Cincinnati), Ohio, to Dallas Tex., found unreasonable. Reasonable rate prescribed and reparation awarded

Codman v. Boston & M. R., 157 I. C. C. 552.

141. Transaction between the Boston & Maine Railroad and Dwight P. Robinson & Company for the designing and construction of the New North Station and other terminal facilities at Boston, Mass., found not in violation of the provisions of section 10 of the Clayton Antitrust Act. Complaint dismissed.

Sioux Falls Chamber of Commerce v. Great Northern Ry. Co., 157 I. C. C. 555.

142. Class rates from Sioux Falls, S. Dak., to destinations in Minnesota on the Minneapolis & St. Louis found unreasonable but not unduly prejudicial. Reasonable rates prescribed for the future.

Pfaltzgraff Pottery Co. v. Pennsylvania R. Co., 157 I. C. C. 559.

143. Rate on crude clay, in carloads, from Charlestown, Md., to York, Pa., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Gordon Candy Co. v. Atlantic Coast Line R. Co., 157 I. C. C. 563.

144. Rates on raw peanuts, in shell and shelled, in carloads, from Suffolk, Va., via Memphis, Tenn., and from certain points in Alabama, Georgia, and Florida to Omaha and Lincoln, Nebr., and Council Bluffs, Iowa, found unreasonable but not unjustly discriminatory. Rates from certain other points in Virginia and from certain points in North Carolina to the same destinations found not unreasonable or unduly prejudicial or unjustly discriminatory. Reasonable rates prescribed and reparation awarded.

145. Fourth-section relief denied.

Quinn Co. v. Atlanta, B. & A. Ry. Co., 157 I. C. C. 571.

146. Rate on ground bituminous asphalt rock, in carloads, from Bowling Green, Ky., to Daytona Beach, Fla., found unreasonable. Reasonable rate prescribed and reparation awarded.

147. Rates on like traffic from Bowling Green to Lake Worth, Lantana, Fort Lauderdale, and Miami, Fla., found not unreasonable.

Edgeton Mfg. Co. v. Aberdeen & Rockfish R. Co., 157 I. C. C. 578.

148. Upon further hearing, failure of defendants to publish and apply from Plymouth and Paoli, Ind., to Ohio River crossings, on complainant's shipments of fruit and vegetable baskets from those origins to southeastern destinations, the corresponding lower rates contemporaneously in effect from Chicago, Ill., and Michigan City, Ind., between October 5, 1924, and May 31, 1929, inclusive, and which were subject to a provision pursuant to rule 77 of Tariff Circulars 18-A and 20, found to have been unreasonable. Reparation awarded. Findings in prior report, 140 I. C. C. 351, that rates assailed were not unreasonable or otherwise unlawful, modified accordingly.

Bakelite Corp. v. Boston & A. R., 157 I. C. C. 581.

149. Rate on Bakelite (synthetic) gum, in carloads, from Chicago, Ill., to Pittsfield, Mass, found unreasonable for the future but not unreasonable in the past. Reasonable rate prescribed for the future.

Upson Co. v. Ann Arbor R. Co., 157 I. C. C. 586.

150. Rates on fiber wall board, in carloads, from Lockport, N. Y., to points in western classification territory found not unreasonable but found unduly prejudicial as compared with rates on plaster wall board, in carloads, from Southard, Okla., Sweetwater, Tex., and Fort Dodge, Iowa, to the same points. Bases for removal of undue prejudice prescribed.

151. Rates on fiber wall board, in carloads, from Black Rock, Buffalo, and Lockport, N. Y., Federal, Ill., Minneapolis, Minn., and Cornell, Wis., to certain points in Texas, and on plaster board, in carloads, from Fort Dodge, Iowa, to Dallas, Tex., found not unreasonable. Complaint in No. 18958 dismissed.

152. Rates on wall board made of fiber board and wood combined from Oakland, Calif., to transcontinental Groups A to M, both inclusive, found not unreasonable or unduly prejudicial. Complaint in No. 16491 dismissed.

153. Carload rating on fiber wall board in the western classification found not unreasonable or unduly prejudicial.

154. Rules and practices governing shipment of plaster wall board in mixed carloads with plaster and plaster products (other than plaster wall board) from Southard, Okla., Sweetwater, Tex., and Fort Dodge, Iowa, to points in western classification territory found unduly prejudicial. Basis for removal of undue prejudice prescribed.

Furnas Ice Cream Co. v. Norfolk & W. Ry. Co., 157 I. C. C. 617.

155. Defendant's refusal to accept shipments of ice cream and similar dairy products for transportation in privately owned car from Columbus, Ohio, to Welch and Keystone, W. Va., and to establish carload freight rates applicable on such traffic found not in violation of section 1 of the interstate commerce act. Complaint dismissed.

Canned vegetables from Keokuk, 157 I. C. C. 621.

156. Proposed increased rates on canned pickles and tomatoes, in carloads, from Keokuk, Iowa, to Evansville, Ind., and Louisville, Ky., found justified. Order of suspension vacated and proceeding discontinued.

Pressed Steel Car Co. v. Director General, 157 I. C. C. 623.

157. Upon further hearing findings in 93 I. C. C. 224, and 109 I. C. C. 75, that rates to and from points of unloading and loading at complainant's plants at McKees Rocks and Allegheny, Pa., were not unreasonable, affirmed. Complaint dismissed.

Combination rates on livestock, 157 I. C. C. 629.

158. Proposed cancellation of the application of the combination rule to rates on livestock, in carloads, from certain points in South Dakota west of Mobridge to interstate destinations east thereof, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Arizona Corp. Commission v. Atchison, T. & S. F. Ry. Co., 157 I. C. C. 632.

159. On reconsideration findings in former report, 156 I. C. C. 418, with respect to rates on petroleum products, in carloads, from points in southern California to Arizona destinations modified in so far as the rates to such destinations on the Clifton branch of the Southern Pacific Company are concerned.

Beacon Milling Co. v. New York C. R. Co., 157 I. C. C. 635.

160. Transit rules, regulations, and practices of defendants New York Central and Lehigh Valley, applied to carload shipments of grain, grain products, and grain by-products, originating in central, western, and southern territories, milled in transit at Cayuga, N. Y., and shipped as mixed feed to destinations in eastern territory and New England found to result in unreasonable charges. Reasonable transit rules and regulations prescribed. Reparation awarded.

Southern Flour & Grain Co. v. Nashville, C. & St. L. Ry., 157 I. C. C. 641.

161. Demurrage charges assessed on shipments of hay, in carloads, from Crow Hickman, Ky., to Atlanta, Ga., found applicable and not unreasonable or unjustly discriminatory. Complaint dismissed.

Blanchard Lumber Co. v. New York, N. H. & H. R. Co., 157 I. C. C. 643.

162. Rates on lumber, ex-vessel from the Pacific coast, in carloads, from Boston, Mass., and New London, Conn., to destinations on New York, New Haven & Hartford system lines in Massachusetts, Connecticut, Rhode Island and New York found unreasonable. Distance scale of reasonable rates prescribed for the future, and reparation awarded.

Dawson Produce Co. v. Florida East Coast R. Co., 157 I. C. C. 647.

163. Applicable rate on a carload of grapefruit from Key West, Fla., to St. Louis, Mo., reconsigned to Tulsa, Okla., determined and said rate not shown to be unreasonable. Complaint dismissed.

Cartier & Sons Co. v. New York, N. H. & H. R. Co., 157 I. C. C. 649.

164. Rates on roofing slag, in carloads, from Reading, Hokendauqua, Bethlehem, and Swedeland, Pa., to Providence, Auburn, Esmond, and Cranston, R. I., and Attleboro, Mass., found unreasonable for the past, and rates from Reading and Swedeland found unreasonable for the future. Reasonable rates prescribed and reparation awarded.

Hastings Chamber of Commerce v. Chicago & N. W. Ry. Co., 157 I. C. C. 653.

165. Rate on green or green salted hides, pelts, skins, grease, and tallow, in straight or mixed carloads, from Hastings and Grand Island, Nebr., to Chicago, Ill., and Milwaukee, Wis., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Buckeye Cotton Oil Co. v. Alton & Southern R., 157 I. C. C. 657.

166. Commodity rate charged on carloads of cottonseed-hull shavings shipped from Little Rock, Ark., to Melrose Park, Ill., between March 5 and December 18, 1926, found not to have been applicable, and applicable rate not determinable from the record. Complaint dismissed.

Zeigler Bros. v. Southern Ry. Co., 157 I. C. C. 660.

167. This commission is without jurisdiction to determine the lawfulness of charges collected for installing a switch connection at Rutherfordton, N. C. Complaint dismissed.

Charges for wharfage, handling, storage, and other accessorial services, 157 I. C. C. 663.

168. Previous report 93 I. C. C. 609. Rail-water terminal facilities at north Atlantic, south Atlantic, and Gulf ports shown to be reasonably adequate to accommodate export, import, coastwise, and intercoastal traffic.

169. Evidence insufficient to show that the charges on export, import, coastwise, and intercoastal traffic imposes a burden upon other traffic.

170. The record does not warrant the prescription of a tariff rule requiring the accessorial or terminal charges to be stated separately from the line-haul rates on export, import, coastwise, and intercoastal traffic to and from Atlantic and Gulf ports.

171. Every effort should be made by carriers when leasing their warehouses to shippers to obtain terms no less favorable than would be obtained, under similar restrictions and conditions of use, were the warehouses owned independently of the railroad.

172. Practice of according storage space for fertilizer moving in interstate or foreign commerce at rates other than those named in published tariffs, found in violation of section 6 of the interstate commerce act.

173. Proceeding discontinued.

Hertz Leather Co. v. Baltimore & Ohio R. Co., 157 I. C. C. 702.

174. Rate charged on carload shipments of fresh meats, packing-house products, and hides from Kansas City, Kans.-Mo., and St. Joseph, Mo., to destinations east of the Illinois-Indiana State line found applicable. Complaints dismissed.

Fisher Supply Co. v. Alabama & V. Ry. Co., 157 I. C. C. 711.

175. On further consideration rates on mixed carloads of lead and certain lead articles from Joplin, Mo., to Dallas, Tex., found not unreasonable, but rates on enameled-iron bathtubs, in straight carloads or in mixed carloads with other enameled-iron plumbers' goods, from Monaca, Pa., and Chicago, Ill., to points in Texas found unreasonable. Prior decisions in 128 I. C. C. 215, 142 I. C. C. 172, and 146 I. C. C. 377, modified. Reasonable rates prescribed and reparation awarded.

Lake Charles Harbor & Terminal District v. Brimstone R. & C. Co., 157 I. C. C. 720.

176. Rates and port charges on clean rice and products thereof, in carloads, from points in southwestern Louisiana to ship side at the Port of Lake Charles, La., for export and coastwise movement, when moving direct or when milled in transit, found not unreasonable or unduly prejudicial. Complaint dismissed.

Southwestern Broom Mfg. Co. v. Atchison, T. & S. F. Ry. Co., 157 I. C. C. 724.

177. Rates on broomcorn, in carloads, from certain points in Oklahoma and Kansas to Evansville, Ind., found to have been unreasonable. Reparation awarded.

178. Rates on like traffic from certain points in Colorado to Evansville found unreasonable. Reasonable rates prescribed and reparation awarded.

American Newspaper Publishers Asso. v. Bangor & Aroostook R. Co., 157 I. C. C. 729.

179. Less-than-carload rates on paper-winding cores, returned, from New York, Mount Vernon, and New Rochelle, N. Y., and points in New England to certain destinations in New Hampshire, Vermont, and Maine, found unreasonable. Reasonable rates prescribed for the future. Unprotected fourth-section departures ordered removed.

General Alloys Co., v. Akron, C. & Y. Ry. Co., 157 I. C. C. 733.

180. First-class any-quantity rating in official classification on new and old burnt-out chromium-iron-nickel alloy castings and annealing or carbonizing boxes or pots found not unreasonable or unduly prejudicial as applied to less than carloads, but found unreasonable for the future, as applied to carloads, to the extent it exceeds third class.

Shreveport Chamber of Commerce v. Kansas City S. Ry. Co., 157 I. C. C. 737.

181. Rates charged on wrought-iron pipe and scrap iron, in carloads, from Port Arthur, Tex., to Shreveport, La., found not unreasonable or otherwise unlawful. Complaint dismissed.

Vinita Wholesale Grocery Co. v. Arkansas Valley I. Ry. Co., 157 I. C. C. 739.

182. Rates on salt, in carloads, from Weeks, La., and Hutchinson and Anthony, Kans., to Vinita, Pawhuska, and Keota, Okla., found unreasonable. Reparation awarded.

United States Graphite Co. v. Baltimore & O. R. Co., 157 I. C. C. 742.

183. Rates on foundry facings, in carloads, from Saginaw, Mich., to certain destinations in official and western classification territories found not unreasonable. Complaint dismissed.

184. Findings in previous report, 147 I. C. C. 646, with respect to rates on crude graphite, in carloads, from Saginaw, Mich., to certain destinations in official classification territory, affirmed.

Perrine-Armstrong Co. v. Pennsylvania R. Co., 157 I. C. C. 745.

185. Rates on logs, in carloads, from Gambier and Hunt, Ohio, to Fort Wayne, Ind., found not unreasonable or otherwise unlawful. Complaint dismissed.

Southern Agriculture Service v. Louisiana & A. Ry. Co., 157 I. C. C. 747.

186. Rate charged on four carloads of cottonseed from Matagorda, Miss., to Alexandria, La., found applicable. Complaint dismissed.

Chandler-Davis Co. v. Atlantic Coast Line R. Co., 157 I. C. C. 749.

187. Rate charged on one carload of tomatoes from Webster, Fla., originally consigned to Florence, S. C., and reconsigned in transit first to Pittsburgh, Pa., and later to Petersburg, Va., and Cincinnati, Ohio, found not unreasonable or otherwise unlawful. Complaint dismissed.

Luckenbach S. S. Co. v. Southern Ry. Co., 157 I. C. C. 752.

188. Class and commodity rates maintained by southeastern carriers between the ports of New Orleans, La., and Mobile, Ala., on the one hand, and interior points in southeastern territory on the other, on traffic transported from and to Pacific coast territory through the Panama Canal by the Luckenbach Steamship Company, found not unreasonable or unduly prejudicial.

Routing and transit on cotton, 157 I. C. C. 762.

189. Proposed joint all-rail rates on cotton from points on the St. Louis-San Francisco in Oklahoma to the Southeast via Gulf ports, found not justified. Suspended schedules ordered canceled.

190. Proposed grant of concentration arrangements at the Gulf ports in connection with joint rail-and-water and rail-water-and-rail rates on cotton from points on the St. Louis-San Francisco in Oklahoma to New England found justified. Order of suspension vacated.

191. Action on fourth-section application No. 13578 deferred.

Thompson v. Chicago, B. & Q. R. Co., 157 I. C. C. 775.

192. Reasonableness of charges collected for feed furnished livestock held for fattening at Montgomery, Ill., found not to be within the jurisdiction of the commission. Complaints dismissed.

Valentine & Co. v. Lehigh Valley R. Co., 157 I. C. C. 781.

193. Rate charged on china-wood oil, in tank-car loads, from Claremont Terminal, Jersey City, N. J., to Brooklyn, N. Y., found applicable and not unreasonable or otherwise unlawful. Complaint dismissed.

O'Meara v. Baltimore & O. R. Co., 157 I. C. C. 785.

194. Rates on limestone, in blocks, rough quarried, scabbled, and in slabs, sawed four sides or less, in carloads, from points in the Bedford district of Indiana, to Baltimore, Md., and Washington, D. C., found unreasonable and unduly prejudicial. Reasonable rates prescribed and undue prejudice ordered removed.

Dunn Mfg. Co. v. Atchison, T. & S. F. Ry. Co., 157 I. C. C. 798.

195. Rates on oil-well tools, in carloads, from Oxnard, Calif. to Panhandle, Tex., and Tulsa, Okla., and from Houston, Tex., to Los Angeles, Calif., found not unreasonable or otherwise unlawful. Complaints dismissed.

Nye & Jenks Grain Co. v. Chicago B. & Q. R. Co., 159 I. C. C. 1.

196. Rates charged on two carloads of corn from Omaha, Nebr., originally destined to El Paso, Tex., but redesignated first to Los Angeles, Calif., and later to Oakland, Calif., found applicable and not unreasonable. Assessment of second redesignation charge at Los Angeles found unreasonable. Reparation awarded.

Union Sanitary Works v. Abilene & Southern Ry. Co., 159 I. C. C. 4.

197. Rates on enameled-iron bath tubs, in straight carloads or in mixed carloads with other enameled-iron plumbers' goods, from Noblesville, Ind., to points in Texas, found unreasonable in the past and for the future. Reasonable rates prescribed and reparation awarded.

198. Rates on enameled-iron plumbers' goods other than bath tubs, in straight or mixed carloads, from Noblesville, Ind., to points in Texas, found not unreasonable in the past but unreasonable for the future. Reasonable rates prescribed.

Northwestern Ohio Lime Mfrs. v. Pennsylvania R. Co., 159 I. C. C. 9.

199. Rates on lime, common, hydrated, quick or slaked, in carloads, from various producing points in Ohio to trunk-line and New England territories found not unduly prejudicial and not unreasonable in the past but unreasonable for the future. Reasonable bases for rates prescribed for the future.

200. Intrastate rates on lime, in carloads, between points in Pennsylvania found not to result in undue or unreasonable preference of or advantage to intrastate commerce, nor in undue, unreasonable, or unjust discrimination against interstate commerce.

Albany Perforated Wrapping Paper Co. v. Baltimore & O. R. Co., 159 I. C. C. 37.

201. Rate on imported wood pulp, in carloads, from Baltimore, Md., and Philadelphia, Pa., to Albany, N. Y., found not unreasonable or unduly prejudicial. Complaint dismissed.

Buckeye Rolling Mill Co. v. Baltimore & O. R. Co., 159 I. C. C. 43.

202. Rates on light iron and steel rails, in carloads, from Newark, Ohio, to certain points in Kentucky, Virginia, West Virginia, Maryland, and Pennsylvania, found not unreasonable or unduly prejudicial, except that rates to certain points in West Virginia and to Oakland and Cumberland, Md., found unduly prejudicial. Undue prejudice ordered removed.

Miss. Valley Farm Equipment Asso. v. Baltimore & O. R. Co., 159 I. C. C. 46.

203. Rates on bituminous coal, in carloads, from the Springfield, Ill., district to Bowling Green, Mo., found not unreasonable or otherwise unlawful. Complaint dismissed.

Inyo Chemical Co. v. Denver & R. G. W. R. Co., 159 I. C. C. 49.

204. Rates on coke, in carloads, from Sunnyside and Iron-ton, Utah, to Cartago, Calif., and from Sunnyside to Skinner, Calif., found unreasonable. Reasonable rates prescribed and reparation awarded.

205. Rate on coke from Sunnyside to Keeler, Calif., and rate on coal from Winter Quarters, Utah, to Keeler found not unreasonable.

Central Leather Co. v. Akron, C. & Y. Ry. Co., 159 I. C. C. 56.

206. Rates and ratings on green-salted cattle hides, in carloads, from origins in western trunk-line, central, New England, and eastern trunk-line territories and from Oklahoma City, Okla., and Fort Worth, Tex., to destinations in eastern trunk-line territories and Comstock, Mich., found not unreasonable. Complaint dismissed.

207. Rates on green-salted hides, green-salted sheepskins, and pickled sheepskins, in carloads, from points west of the Mississippi River and in central territory to trunk-line and New England territories found not unreasonable. Complaints dismissed.

Lima Sheet Metal Products Co. v. Pennsylvania R. Co., 159 I. C. C. 70.

208. Second-class rates on steel ironing boards folded in steel cabinets, in less than carloads, from Lima, Ohio, to western destinations found unreasonable. Third-class rates prescribed.

Bobbitt v. Norfolk & W. Ry. Co., 159 I. C. C. 73.

209. Carload rate charged on sand from Puddledock, Va., to Wise, N. C., found inapplicable. Reparation awarded.

Wrought Washer Mfg. Co. v. Pere Marquette Ry. Co., 159 I. C. C. 75.

210. Rates on certain iron or steel articles, in carloads, from and to points in official classification territory found unreasonable but not otherwise unlawful, and the rates assailed on other iron and steel articles found not unreasonable or otherwise unlawful. Reparation awarded. Original report in No. 17640, 136 I. C. C. 703.

211. Proposed changes in descriptions of and rates on waster sheets and plates found not justified.

Bailey's Sons & Co. v. Pennsylvania R. Co., 159 I. C. C. 90.

212. Rate on pulverized or ground slate, in carloads, from Philadelphia, Pa., to Winthrop, Me., found not unreasonable. Complaint dismissed.

Consolidated southwestern cases, 159 I. C. C. 93.

213. Certain short and weak lines situated wholly in the State of Texas authorized to add certain arbitraries to rates prescribed in these cases for standard-line application to interstate traffic, but like authority denied to Pecos Valley Southern Railway Company.

214. Column 32½ rates found reasonable for application to the following iron and steel articles, in carloads: Spiral columns or column hoops, knocked down or collapsed; joints, iron or steel, concrete road construction, with or without iron or steel pins; joists; studding; and siding, other than enameled.

215. Fifth-class rates found reasonable for application to iron or steel doors, building (other than rolling); column 40 rates found reasonable for application to castings and forgings, parts of compresses; column 38 rates found reasonable for application to wire rope; and column 27½ rates found reasonable for application to sash weights; all in carloads.

216. Finding with respect to rates on valves, iron or iron body, deferred.

217. Column 35 rates found reasonable for application to canned goods listed in amended commodity description 9, Appendix 10, and fifth-class rates found reasonable for application to other canned goods. Prior findings revised accordingly.

218. Prior findings modified so as to permit application, between Texarkana, Ark., and points in Texas, of same rates as now apply between Texarkana, Tex., and same points, without necessity of corresponding changes in other rates.

219. Zinc skimmings, dross, and ashes, scrap zinc, lead (pig, ingot, bar, slab, block), lead ashes, lead acid-chamber residuum, residuum of lead smelters (lead residue), antimonial lead, and spelter, excepted from application and requirements of the prior findings.

220. Prior findings amended, as of June 3, 1929, by adding to the words "current western classification," wherever they appear, the words "supplements thereto and reissues thereof."

221. Erroneous elimination, 144 I. C. C. 630, of provision for deduction of 10 cents from prescribed column 100 rates from St. Louis, Mo., to Group 22 points excluded from Texas differential territory, corrected.

222. Prescribed basis, 148 I. C. C. 613, for maximum reasonable rates between the Southwest, on one hand, and Zion, Ill., and Milwaukee, Racine, and Kenosha, Wis., on the other, revised by elimination of the proviso requiring that rates

to points on and west of the dividing line therein defined be observed as maxima to intermediate points east thereof on reasonably direct routes; and matter left for disposition upon pending fourth-section applications.

223. Prior findings construed not to prevent, so far as section 3 of the interstate commerce act is concerned, establishment of an arrangement whereunder carload shipments may be stopped in transit for partial loading or unloading on one or more lines parties to the joint rates without necessity of establishing a like arrangement on other lines parties to the rates.

224. Time for defendants' revision of outbound rates on products of the Southwest, Kansas-Missouri territory, and Texas and Oklahoma differential territories further extended to December 9, 1930.

225. Prior reports, 123 I. C. C. 203, 139 I. C. C. 535, 144 I. C. C. 630, 147 I. C. C. 165, 148 I. C. C. 282, 148 I. C. C. 613, and 155 I. C. C. 504.

Ruggles & Rademaker v. Akron, C. & Y. Ry. Co., 159 I. C. C. 126.

226. Findings in original report, 156 I. C. C. 749, modified (1) with respect to the line through Kansas west of which zone 3 arbitraries are to be added; (2) so as to specifically provide for the addition of zone 2 arbitraries for distances on and east of said line; and (3) as to the manner in which the rates shall be determined in the event that the origin points in each producing field are grouped.

International Shoe Co. v. Central R. Co. of N. J., 159 I. C. C. 132.

227. Rates on bichromate of soda, in carloads, from Jersey City, N. J., to certain points in New England, found not unreasonable or unduly prejudicial as applied to past shipments, but unreasonable for the future. Reasonable rates prescribed for the future.

Restriction of public team track service, 159 I. C. C. 135.

228. Proposed schedules canceling the application of St. Louis, Mo., rates on coal, in carloads, from origins in Illinois and Kentucky to respondent's team track at Clifton Heights, Mo., except on coal from stations and mines on its line and from stations and mines on the Missouri Illinois on which respondent receives a line haul, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

American Radiator Co. v. New York Central R. Co., 159 I. C. C. 139.

229. Rates on ground or pulverized coal, in containers, in carloads, from Black Rock, N. Y., Chicago, Ill., Detroit, Mich., Rillton, Pa., and certain other named points in the latter State, to destinations in official and western trunk-line territories found unreasonable. Reasonable rates prescribed, and reparation awarded to certain complainants.

Maryland Co. v. Western Ry. of Ala., 159 I. C. C. 149.

230. Rates on cotton piece goods, any quantity, from Cedartown, Ga., and Eufaula, and Montgomery, Ala., to Luray, Va., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Procter & Gamble Co. v. Baltimore & O. R. Co., 159 I. C. C. 151.

231. Rate on sulphuric acid, in tank-car loads, from Wurtland, Ky., to Ivorydale, Ohio, found not unreasonable in the past but unreasonable for the future. Reasonable rate prescribed for the future.

Daugherty & Son Refining Co. v. Baltimore & O. R. Co., 159 I. C. C. 156.

232. Rate on sulphuric acid, in tank-car loads, from Cleveland, Ohio, to Petrolia, Pa., found not unreasonable in the past, but unreasonable for the future. Reasonable rate prescribed for the future.

Newport News v. Aberdeen & Rockfish R. Co., 159 I. C. C. 159.

233. Class and commodity rates between Newport News, Va., and points in the South more than 150 miles from Norfolk, Va., found not unreasonable but unduly prejudicial to the extent that they exceed the corresponding rates contemporaneously in effect to and from Norfolk. Undue prejudice ordered removed.

Norfolk Port Commission v. Chesapeake & O. Ry. Co., 159 I. C. C. 169.

234. Rate on imported wood pulp, in carloads, from Norfolk, Va., to Big Island, Va., found not unreasonable or unduly prejudicial. Complaint dismissed.

235. Rates on other import, export, and coastwise traffic between Norfolk, Va., and points on the Chesapeake & Ohio found not unreasonable or unduly preju-

dicial, except those from and to points more than 150 miles from Newport News, Va., found unduly prejudicial and preferential to the extent that they exceed the Newport News rates. Such undue prejudice and preference ordered removed.

236. The failure of the Chesapeake & Ohio to absorb the charges of the Norfolk Tidewater Terminals, Incorporated, and to provide for storage in transit at such terminals found not unreasonable or unduly prejudicial.

Norfolk-Portsmouth Freight Traffic Commission v. Aberdeen & Rockfish R. Co., 159 I. C. C. 177.

237. Defendants' practice at Norfolk and Portsmouth, Va., of absorbing switching charges on carload traffic only when the switching line competes with the line-haul carrier, while refusing to absorb such charges when the switching line does not compete with the line-haul carrier, found unjustly discriminatory.

238. Defendants' practice of collecting switching charges at Norfolk-Portsmouth while no such charge is contemporaneously in effect at Newport News, Va., found not unreasonable but unduly prejudicial and preferential where the line-haul rates to and from Norfolk-Portsmouth and Newport News are on a parity.

Classification rating on wooden egg cases, 159 I. C. C. 184.

239. Proposed change in rating of secondhand wooden egg cases, in less than carloads, from fourth to first class in western classification found justified. Proposed change in rating of the same commodity, in carloads, from fourth to third class, minimum 12,000 pounds, found not justified. Suspended schedules ordered canceled as to carloads, without prejudice to the filing of new schedules in conformity with the views expressed herein.

Switching at St. Paul, 159 I. C. C. 189.

240. Proposed increased switching charges at and between St. Paul and South St. Paul, Minn., found justified, except on local traffic. Respondent's schedules required to be canceled, without prejudice to the establishment of charges on the bases herein indicated. Proceeding discontinued.

Steel Tank & Pipe Co. v. Great Northern Ry. Co., 159 I. C. C. 194.

241. Rates charged on steel pipe, in carloads, from Portland, Oreg., to Hilliard, Wash., and from North Portland and Kenton, Oreg., to Spokane, Wash., found not unreasonable or otherwise unlawful. Complaints dismissed.

Limestone from Alabama, 159 I. C. C. 197.

242. Proposed increased carload rates on broken, crushed, or ground limestone containing 2.5 to 9.5 per cent of asphalt, from Memphis, Tenn., to points in Arkansas and in Louisiana west of the Mississippi River, on traffic from Margerum and Cherokee, Ala., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Perrine-Armstrong Co. v. Pennsylvania R. Co., 159 I. C. C. 203.

243. Rate on rough lumber, in carloads, from Flora, Ind., to Saginaw, Mich., found unreasonable and in violation of the long-and-short-haul provision of section 4, but not otherwise unlawful. Reasonable rate prescribed for the future, and reparation awarded. Waiver of undercharges authorized.

Oklahoma Portland Cement Co. v. Arkansas W. Ry. Co., 159 I. C. C. 207.

244. Award of reparation on carload shipments of cement from Ada, Okla., to Waldron, Alma, Dyer, Ozark, Dardanelle, Fort Smith, and Van Buren, Ark., found to be precluded by Rule III (s) of the Rules of Practice. Complaint dismissed.

Mars v. Minneapolis, St. P. & S. S. M. Ry. Co., 159 I. C. C. 209.

245. Rates on chocolate coating and cocoa, in carloads, from certain points in Connecticut, Massachusetts, New York, and Pennsylvania to certain destinations in Minnesota and Wisconsin found not unreasonable. Complaint dismissed.

Rose Co. v. Boston & M. R., 159 I. C. C. 211.

246. Less-than-carload shipments of cotton-comber waste from Lawrence, Mass., to Pawtucket, R. I., on which the third-class rate was charged, found subject to a lower commodity rate applicable generally to cotton waste. Reparation awarded.

Rock Island Sash & Door Works v. Chicago, B. & Q. R. Co., 159 I. C. C. 214.

247. Rates on lumber and other articles taking the same rates, in carloads, from points in Washington, Oregon, Idaho, and California to Rock Island, Ill., found unreasonable. Reparation awarded.

North Dakota v. Chicago G. W. R. Co., 159 I. C. C. 219.

248. Rates charged on wheat, in carloads, from points in Montana, milled in transit at Grand Forks, N. Dak., and the products forwarded to Lebanon and Indianapolis, Ind., found applicable and not unreasonable or otherwise unlawful. Complaint dismissed.

Valley Grain Co. v. Cleveland, C., C. & St. L. Ry. Co., 159 I. C. C. 223.

249. Rates on grain, in carloads, from Wing, Ill., to Battle Creek, Mich., and Louisville, Ky., found not unreasonable but unduly prejudicial. Undue prejudice ordered removed.

250. Rates on grain, in carloads, from Wing, Ill., to Chicago, Ill., for reshipment by lake and rail, and to St. Louis, Mo., found not unreasonable or unduly prejudicial.

Alton Brick Co. v. Alton & E. R. Co., 159 I. C. C. 228.

251. Rates on brick, in carloads, from points in Illinois and Missouri to Sioux City and Council Bluffs, Iowa, and destinations in Nebraska found not unreasonable, nor unduly prejudicial, except certain rates from St. Louis group which rates are found unreasonable for future application to the extent indicated.

Kraft Cheese Co. v. Los Angeles & S. L. R. Co., 159 I. C. C. 235.

252. Rates on cheese, in carloads, from Victor and Woodside, Mont., to Los Angeles and San Francisco, Calif., found not unreasonable or otherwise unlawful in the past, but unreasonable for the future. Reasonable rates prescribed for the future.

Blair v. Cleveland, C., C. & St. L. Ry. Co., 159 I. C. C. 241.

253. Upon further hearing, amounts of reparation due complainants under rates on bituminous coal, in carloads, from Griff and Macksville, Ind., to Paris and contiguous Illinois points, found unreasonable in original report, 136 I. C. C. 543, determined. Appropriate order entered.

Nebraska Seed Co. v. Chicago, B. & Q. R. Co., 159 I. C. C. 243.

254. Rates charged on sweetclover seed, in carloads, from certain points in North Dakota, Minnesota, and Wisconsin to Omaha, Nebr., found to have been unreasonable. Present rates found not unreasonable or otherwise unlawful. Reparation awarded.

Shreveport Chamber of Commerce v. Wabash Ry. Co., 159 I. C. C. 247.

255. Rate charged on two carloads of automobile bumpers from Chicago, Ill., to Shreveport, La., found not unreasonable. Complaint dismissed.

Aberdeen Chamber of Commerce v. Great Northern Ry. Co., 159 I. C. C. 249.

256. Rates on newsprint paper, in carloads, from International Falls, Minn., and points in the Minnesota group to Aberdeen, S. Dak., found not unreasonable or unduly prejudicial. Complaint dismissed.

Southern Cotton Oil Co. v. Atchison, T. & S. F. Ry. Co., 159 I. C. C. 252.

257. Rates charged on shipments of lard substitute, in carloads, from Gretna, La., to Albuquerque, N. Mex., found unreasonable. Reasonable rate prescribed and reparation awarded.

Moline Asso. of Commerce v. Atchison, T. & S. F. Ry. Co., 159 I. C. C. 255.

258. Carload and less-than-carload ratings applied under official, southern, western, and Illinois classifications on complainant's heating device and its heating and ventilating device found applicable and not unduly prejudicial. Applicable ratings found not unreasonable in the past but unreasonable for the future. Reasonable ratings prescribed for the future.

Bluefield Produce & Provision Co. v. Atlantic Coast Line R. Co., 159 I. C. C. 261.

259. Rate charged on one carload of celery, in crates, from Brisson, Fla., to Bluefield, W. Va., found not unreasonable. Defendant required to remove fourth-section departure. Complaint dismissed.

Brown Roberts Hardware & Supply Co. v. Baltimore & O. R. Co., 159 I. C. C. 263.

260. Rate on wrought-iron pipe, in carloads, from Benwood Works (Wheeling), W. Va., to Alexandria, La., found not unreasonable or otherwise unlawful. Complaints dismissed.

Southern Scrap Material Co. v. New Orleans G. N. R. Co., 159 I. C. C. 266.

261. Rate of scrap steel for remelting purposes only found inapplicable on used steel rails from New Orleans, La., to Ensley, Ala. Complaint dismissed.

Caruso Rinella, Battaglia Co. v. Pennsylvania R. Co., 159 I. C. C. 269.

262. Rate charged on one carload of peaches from Milton, Del., to Malone, N. Y., found not unreasonable. Complaint dismissed.

Builders Asso. of Kansas City v. St. Louis-S. F. Ry. Co., 159 I. C. C. 272.

263. Rate on crushed stone, in bags, in carloads, from Kansas City, Mo., to Tulsa, Okla., found unreasonable. Reasonable rate prescribed and reparation awarded.

Fern v. Baltimore & O. R. Co., 159 I. C. C. 275.

264. Any-quantity rating in official and southern classifications on booths, n. o. i. b. n., k. d., found applicable on shipments described herein. Present less-than-carload ratings found unreasonable, and present carload ratings found not unreasonable. Less-than-carload ratings prescribed, and carload ratings ordered maintained.

Shreveport Chamber of Commerce v. Louisiana Ry. & Nav. Co., 159 I. C. C. 280.

265. Rate charged on lumber, in carloads, from Farmerville, La., to San Antonio, Tex., found applicable and not unreasonable or otherwise unlawful. Complaint dismissed.

Lexington Board of Commerce v. Chesapeake & O. Ry. Co., 159 I. C. C. 283.

266. Rate on brick and articles taking brick rates, in carloads, from Charleston, W. Va., to Lexington, Ky., found unreasonable but not unduly prejudicial. Reasonable rate for the future prescribed and reparation awarded.

Atlantic Bridge Co. v. Atlantic Coast Line R. Co., 159 I. C. C. 287.

267. Factor of combination rates charged from Jacksonville, Fla., to Pompano, Fla., on interstate carload shipments of machines found inapplicable. Reparation awarded.

Fruit Service Co. v. Chicago, B. & Q. R. Co., 159 I. C. C. 289.

268. Rate charged on a carload of apples, in barrels, from Nemaha, Nebr., to Duluth, Minn., found not unreasonable or unduly prejudicial. Complaint dismissed.

Electric Machinery Mfg. Co. v. Minneapolis, St. Paul & S. S. M. Ry. Co., 159 I. C. C. 291.

269. Rate charged on electric motors, in carloads, from Minneapolis, Minn., to New Orleans, La., found inapplicable. Applicable rate found not unreasonable or otherwise unlawful. Reparation for the overcharges awarded.

Eiler Lumber Co. v. Atlantic Coast Line R. Co., 159 I. C. C. 293.

270. Carload rate charged on dressed pine lumber from New Brocton, Ala., to Olean, N. Y., found inapplicable. Reparation awarded.

McDonald Construction Co. v. Seaboard Air Line Ry. Co., 159 I. C. C. 295.

271. Rates charged on excavating machinery, in carloads, from Milwaukee, Wis., to Brandon, Fla., and from Evansville, Ind., to Brooksville, Fla., found inapplicable. Applicable rates determined and reparation awarded.

Standard time zone investigation, 159 I. C. C. 297.

272. Previous orders based upon the original report herein, 51 I. C. C. 273, as restated in the supplemental report, 142 I. C. C. 279, defining limits of United States standard Central and Mountain time zones, modified so as to include a portion of North Dakota within the standard Central time zone.

Diversion or reconsignment of coal, coke, and iron ore, 159 I. C. C. 303.

273. Proposed rules and charges governing the diversion or reconsignment of coal, coke, and iron ore at points on the Elgin, Joliet & Eastern Railway found justified with certain exceptions. Suspended schedules ordered canceled and proceeding discontinued without prejudice to the filing of new schedules conforming to the findings herein.

Stephens & Co. v. Chicago, B. & Q. R. Co., 159 I. C. C. 308.

274. Ratings and class rates maintained by defendants on American wild-rabbit skins, in less than carloads, in official southern, and western classification territories found not unreasonable.

275. Ratings and rates on same commodity, in carloads, from Denver to New York, N. Y., and Danbury, Conn., found not unreasonable. Complaints dismissed.

Small v. Abilene & Southern Ry. Co., 159 I. C. C. 311.

276. Rates charged on Hay, in carloads, from points in southeastern Kansas to destinations in Texas and Louisiana found not unreasonable prior to October 12, 1925, but unreasonable thereafter up to February 1, 1927. Reparation awarded.

Ross v. Southern Pac. Co., 159 I. C. C. 317.

277. Rate charged on less-than-carload shipments of drain-pipe solvent from Omaha, Nebr., to San Francisco, Calif., found inapplicable. Applicable rate found not unreasonable. Reparation awarded.

Williamson Veneer Co. v. Baltimore & O. R. Co., 159 I. C. C. 318.

278. Rates on oak and poplar logs, in carloads, from points in Virginia and West Virginia to Baltimore, Md., found unreasonable. Reasonable basis prescribed for the future and reparation awarded.

Fleisher Construction Co. v. Northern Pac. Ry. Co., 159 I. C. C. 323.

279. Rate charged on carload shipment of contractor's outfit from Minneapolis, Minn., to Des Moines, Iowa, found applicable. Complaint dismissed.

Standard Oil Co. v. Southern Ry. Co., 159 I. C. C. 324.

280. Defendant's terminal tariff found to provide for the switching by defendant, from point of interchange to a siding on its right of way equipped with special unloading facilities, of complainant's tank-car shipments of petroleum products moved to Gainesville, Ga., over other lines. Refusal of defendant to perform such switching service found not justified. Complaint dismissed without prejudice.

General Electric Co. v. Aberdeen & Rockfish R. Co., 159 I. C. C. 327.

281. Ratings in southern classification on incandescent lamps, in carloads and less than carloads, and rates governed thereby, found not unreasonable. Complaint dismissed.

Hammersley Mfg. Co. v. Erie R. Co., 159 I. C. C. 331.

282. On further hearing, amount of reparation due complainants on shipments of imported wood pulp, in carloads, from New York, N. Y., to Garfield and Passaic-Dundee, N. J., based upon the findings in the prior report, 148 I. C. C. 47, determined. Original report, 126 I. C. C. 491.

Builders' Asso., of Kansas City v. Chicago, B. & Q. R. Co., 159 I. C. C. 333.

283. Rate on rough stone, including stone sawed on four sides or less, in carloads, from the Bedford, Ind., limestone district to Kansas City, Mo., found not unreasonable, but unduly prejudicial. Undue prejudice ordered removed.

Schofield Bros. v. Ann Arbor R. Co., 159 I. C. C. 339.

284. Rates on lumber in carloads from certain points in Pennsylvania, Kentucky, Virginia, and West Virginia to points in New York, Connecticut, Michigan, New Jersey, Massachusetts, and Illinois found inapplicable. Reparation awarded. Rate charged on one carload of lumber from Royalton, Ky., to Kingston, N. Y., found applicable.

Cone Bros. Construction Co. v. Georgia R., 159 I. C. C. 342.

285. Rate charged on granite curbing, in carloads, from Arabia Mountain, Ga., to Tampa, Fla., found inapplicable. Complaint dismissed.

Myers v. Atlantic Coast Line R. Co., 159 I. C. C. 345.

286. Rate on green-salted hides, in carloads, from Tallahassee, Fla., to Dothan, Ala., found unreasonable. A reasonable rate prescribed and reparation awarded.

Iron and steel articles to points in Iowa and Missouri, 159 I. C. C. 349.

287. Proposed increased rates on iron and steel articles, in carloads, from certain points in western trunk-line territory east of the Mississippi River to certain destinations in Iowa and Missouri lying between the Mississippi and Missouri Rivers found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Finkbine Guild Lumber Co. v. Chicago, B. & Q. R. Co., 159 I. C. C. 351.

288. Carload rate on wire rope and accessories from St. Louis, Mo., to Fort Bragg, Calif., found unreasonable. Reparation awarded.

289. Carload rate on machinery from Milwaukee, Wis., to Palmer Creek, Calif., found unreasonable. Reparation awarded.

National Petroleum Asso. v. Atlantic Coast Line R. Co., 159 I. C. C. 357.

290. Joint rates on fuller's earth, in carloads, from Attapulgus, Ga., Quincy, Midway, and Jamieson, Fla., to points in Illinois, Ohio, Pennsylvania, New York, and West Virginia, found not unreasonable or otherwise unlawful.

291. Combination rates on like traffic from same points of origin to certain destinations in New York, Pennsylvania, Ohio, and West Virginia, found unreasonable. Reasonable rates for the future prescribed.

Hill, Hubbell & Co. v. Abilene & Southern Ry. Co., 159 I. C. C. 361.

292. Rates charged on pipe coating, in carloads, from Tulsa and Hale station, Okla., to destinations in Texas, Louisiana, Arkansas, Missouri, Kansas, New Mexico, Arizona, Colorado, Nebraska, Iowa, Illinois, Indiana, Mississippi, Tennessee, Alabama, Georgia, and Wyoming found inapplicable. Applicable rates found unreasonable. Reasonable rates for the future prescribed, waiver of outstanding undercharges authorized, and reparation awarded.

Traverse City Chamber of Commerce v. Chicago & N. W. Ry. Co., 159 I. C. C. 369.

293. Rates on cold-packed cherries, in carloads, from Traverse City, Mich., to Chicago, Ill., found not unreasonable or unduly prejudicial for the future, but failure to establish and maintain a rate and minimum for the future to apply alternatively with the present rate and minimum will be unreasonable. Reasonable alternative rate and minimum prescribed.

Southwestern Milling Co. v. Chicago, B. & Q. R. Co., 159 I. C. C. 372.

294. Combination of lake-and-rail rates charged on a carload of bran from Chicago, Ill., to West Willow, Pa., which was milled at Kansas City, Kans., from wheat originating at Eckley, Colo., found unreasonable. Reparation awarded.

Tidal Oil Co. v. Chicago, R. I. & G. Ry. Co., 159 I. C. C. 375.

295. Finding in former report, 153 I. C. C. 421, that rates charged on wrought-iron and steel pipe, pipe fittings, and steel tanks, knocked down, in carloads, from and to points in Louisiana, Arkansas, Oklahoma, Texas, and Kansas were unreasonable, modified. Reparation awarded.

Barrett Co. v. Ligonier Valley R. Co., 159 I. C. C. 377.

296. Rate on rags, in carloads, from Kingston, Pa., to Latrobe, Pa., applicable on shipments to interstate destinations found unreasonable. Reparation awarded.

Cameron, Joyce, Smith, Elder & Co. v. Chicago, B. & Q. R. Co., 159 I. C. C. 379.

297. Rate charged on certain shipments of common sand, in carloads, from Gladstone, Ill., to Keokuk, Iowa, found not inapplicable, unjustly discriminatory, or unduly prejudicial but found unreasonable. Reparation awarded.

Phoenix Flour Mills v. Atchison, T. & S. F. Ry. Co., 159 I. C. C. 382.

298. Rates on jute, hemp, and burlap bags, new and used, jute, hemp, and burlap bagging, new and used, and cotton-bale ties and buckles, in straight and mixed carloads, from certain California points to certain Arizona destinations not in excess of the contemporaneous fifth-class rates, found not unreasonable.

299. Rates on like traffic in excess of the contemporaneous fifth-class rates, found unreasonable. Reasonable rates prescribed and reparation awarded.

Froeber-Norfleet v. Southern Ry. Co., 159 I. C. C. 389.

300. Rates on bananas, in carloads, from Charleston, S. C., to Burlington, Durham, Greensboro, Winston-Salem, Raleigh, and Salisbury, N. C., found not unreasonable. Complaints dismissed.

American Paving Corp. v. Chicago & N. W. Ry. Co., 159 I. C. C. 395.

301. Rates applicable on sand and gravel, in carloads, from a sand and gravel pit near Woodcliff, Nebr., to Honey Creek, Loveland, and Crescent, Iowa, found not unreasonable. Certain shipments found to have been overcharged. Reparation awarded.

Levy & Zentner Co. v. Southern Pac. Co., 159 I. C. C. 399.

302. Rate charged on carload shipments of bananas from El Paso, Tex., to San Francisco, Oakland, Sacramento, and Fresno, Calif., found not unreasonable. Complaint dismissed.

Boardman Co. v. Atlanta, B. & C. R. Co., 159 I. C. C. 401.

303. Carload rate charged on a secondhand contractor's outfit from Lineville, Ala., to Oklahoma City, Okla., found unreasonable. Reparation awarded.

Fruit Dispatch Co. v. Aberdeen & Rockfish R. Co., 159 I. C. C. 403.

304. Special charges for the use of refrigerator cars for interstate shipments of bananas and coconuts, in carloads, from south Atlantic ports and Tampa, Fla., found not unreasonable, but the publication of these special charges in tariff items separate from those providing the charge for line-haul transportation is contrary to the public interest and should be discontinued.

305. Proposed schedules, some filed for the purpose of clarifying present schedules naming the above-mentioned charges, and others seeking to make applicable the same charges south of Jacksonville and other Florida basing points on the same kind of traffic from points beyond, found not justified.

306. Present and proposed schedules ordered canceled, without prejudice to defendants' right to publish schedules providing reasonable line-haul charges which will include an allowance for these special services.

307. Special charge of the Norfolk Southern for the use of refrigerator cars for interstate shipments of fresh fish and other sea foods, in carloads, from Morehead City and Beaufort, N. C., found not unreasonable or otherwise unlawful. Complaint dismissed.

Greater Muskegon Chamber of Commerce v. Pere Marquette R. Co., 159 I. C. C. 414.

308. Rates on coke, in carloads, from Painesville, Ohio, to Muskegon and Montague, Mich., found unreasonable. Reasonable rates prescribed.

Tulsa Traffic Asso. v. Chicago, R. I. & P. Ry. Co., 159 I. C. C. 419.

309. Rates on iron and steel articles, in carloads, from St. Louis, Mo., and points taking same rates, or points basing thereon, fabricated in transit at Tulsa, Okla., and reforwarded to certain destinations in Oklahoma on the Chicago, Rock Island & Pacific Railway, found not unreasonable or otherwise unlawful.

310. Upon complaint seeking establishment of through routes and joint rates on like traffic, found that the commission is without authority under section 15, paragraph (4) of the interstate commerce act to require the establishment of the proposed routes. Complaint dismissed.

Weinberg v. Atchison, T. & S. F. Ry. Co., 159 I. C. C. 428.

311. Rating in official, southern, and western classifications on liquid medicines found applicable to Liebig's Malt Tonic, but unreasonable. Reasonable carload and less-than-carload ratings prescribed.

Lane v. Atchison, T. & S. F. Ry. Co., 159 I. C. C. 431.

312. Rates on feeder cattle, in carloads, from points in Arizona and New Mexico to destinations in New Mexico and Texas found unreasonable. Reasonable rates prescribed and reparation awarded.

Meridian Traffic Bureau v. Alabama G. S. R. Co., 159 I. C. C. 435.

313. Rates on peanuts, shelled or not shelled, salted or not salted, in carloads and less than carloads, from points in Virginia and North Carolina to Meridian, Miss., found not unreasonable or unjustly discriminatory, but unduly prejudicial. Undue prejudice ordered removed. Reparation denied.

Briggs Mfg. Co. v. Alabama G. S. R. Co., 159 I. C. C. 439.

314. Rates charged on lumber, in carloads, from certain points in the South and Southwest to Detroit, Mich., via Ohio River crossings, with transit services at Moraine, Ohio, found inapplicable. Reparation awarded.

Baker v. Alabama G. S. R. Co., 159 I. C. C. 442.

315. Assessment of reconsignment or diversion charges on interstate carload shipments of pine lumber in addition to local rates to and beyond points of reconsignment or diversion in Kentucky, Michigan, Illinois, Tennessee, Pennsylvania, Ohio, West Virginia, New York, and Indiana found unreasonable. Discontinuance of such charges required, and reparation awarded.

Southland Pecan Co. v. Alabama G. S. R. Co., 159 I. C. C. 445.

316. Rates on pecans, in the shell, in carloads, from certain points in Texas to Columbus, Ga., found unreasonable prior to July 14, 1928, but not unreasonable or otherwise unlawful on and after that date. Reparation awarded.

Nelson Co. v. Arcata & M. R. R. Co., 159 I. C. C. 449.

317. Rates on lumber and other forest products, in carloads, from Korbel, Calif., to specified points in the United States east of the Rocky Mountains found unreasonable and unduly prejudicial. Reparation awarded.

Watters-Tongue Lumber Co. v. Atlantic Coast Line R. Co., 159 I. C. C. 452.

318. Rates charged on lumber from Roach, Fla., to Hartwell and Lavonia, Ga., found inapplicable. Reparation awarded.

Class rates from east bank upper Mississippi River points, 159 I. C. C. 455.

319. Proposed restriction with respect to rates applying between interior Iowa cities and certain east-bank Mississippi River points, so that they will not apply as proportional rates, found justified. Order of suspension vacated and proceeding discontinued.

Southern Cotton Oil Co. v. Florida East Coast Ry. Co., 159 I. C. C. 459.

320. Charges of the Florida East Coast Railway at Miami, Fla., for switching carload traffic from the municipal docks to private and assigned sidings on its line found unreasonable. Reasonable charges prescribed for the future.

Atlas Portland Cement Co. v. Southern Ry. Co., 159 I. C. C. 465.

321. Rate on cement, in carloads, from Leeds, Ala., to Mobile, Ala., for transshipment by water to destinations in Florida, found not unreasonable. Complaint dismissed.

Caruso Rinella, Battaglia Co., v. Norfolk Southern R. Co., 159 I. C. C. 467.

322. Rates on cabbage, in straight carloads, from Belcross, N. C., to Albany, Binghampton, Schenectady, and Syracuse, N. Y., found not unreasonable or otherwise unlawful.

323. Rates on beans and cabbage, in mixed carloads, from Belcross to Albany, Binghampton, and Schenectady, and on peas and cabbage, in mixed carloads, from the same origin point to Syracuse found unreasonable but not otherwise unlawful. Reasonable rates prescribed for the future.

324. Estimated weights per package found not unreasonable.

Sperry Flour Co. v. Southern Pac. Co., 159 I. C. C. 471.

325. Rates charged on numerous carloads of corn from points in Iowa and Nebraska, to San Francisco, Calif., for export, milled in transit at South Vallejo, Calif., found unreasonable and unduly prejudicial. Reparation awarded.

Goldschmidt Corp. v. Pennsylvania R. Co., 159 I. C. C. 475.

326. Rates charged on zinc ammonium chloride, in carloads and less than carloads, from New York, N. Y., Philadelphia, Pa., and Baltimore, Md., to certain destinations in New York, Pennsylvania, West Virginia, Kentucky, Ohio, Indiana, Illinois, Missouri, Michigan, Wisconsin, Minnesota, and Canada, found

not unreasonable or unjustly discriminatory, but unduly prejudicial. Complainant not shown to have been damaged by the undue prejudice. Complaint dismissed.

Concord Chamber of Commerce v. Boston & M. R., 159 I. C. C. 479.

327. Rate on polished granite, in carloads, from Concord, N. H., to Winston-Salem, N. C., found not unreasonable. Complaint dismissed.

Ferguson v. Baltimore & O. R. Co., 159 I. C. C. 482.

328. Rates on hay, in carloads, from Ashley-Hudson, Auburn, Hamilton, Summit, and Waterloo, Ind., to New Orleans, La., found not unreasonable. Complaint dismissed.

Petroleum Industrial Corp. v. Atchison, T. & S. F. Ry. Co., 159 I. C. C. 485.

329. One carload of wrought-iron pipe and two carloads of oil-well supplies from Liberal, Kans., to Florence, Colo., found undercharged. Applicable rates found unreasonable. Reparation awarded.

Miami Valley Coated Paper Co. v. Cincinnati Northern R. Co., 159 I. C. C. 487.

330. Rates charged on eight carloads of iron paper-winding cores, returned, from Franklin, Ohio, to Elkhart, Ind., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Premier Red Ash Coal Corp. v. Norfolk & W. Ry. Co., 159 I. C. C. 490.

331. Carload shipments of low-volatile bituminous coal from Red Ash, Va., to certain destinations in New York, Massachusetts, and Connecticut found not to have been misrouted, and rates charged thereon found applicable, except on one of the shipments which was undercharged. Complaint dismissed.

Interstate Amiesite Co. v. Baltimore & O. R. Co., 159 I. C. C. 493.

332. Rate charged on Amiesite, in carloads from Martinsburg, W. Va., to Oaks, Md., found unreasonable. Reparation awarded.

Gulf Red Cypress Co. v. Texas & N. O. R. Co., 159 I. C. C. 495.

333. Two carloads of rough lumber shipped from Logansport, La., to Bassett, Va., found to have been misrouted. Reparation awarded.

Lynchburg Chamber of Commerce v. Atlantic Coast Line R. Co., 159 I. C. C. 497.

334. Carload of lumber from Miley, S. C., to Beckley, W. Va., found misrouted. Reparation awarded.

Rio Grande Oil Co. v. Atchison, T. & S. F. Ry. Co., 159 I. C. C. 499.

335. Rates on refined oil, in carloads from points in southern California and from the mid-continent field of Kansas, Oklahoma and Texas, and on distillate, in carloads, from Los Angeles, Calif., to points in Arizona found unreasonable to the extent indicated. Reparation awarded.

Case Mfg. Co. v. New York, N. H. & H. R. Co., 159 I. C. C. 507.

336. Rate on imported earth paint, in carloads, from New York Harbor lighterage points, N. Y., to Unionville, Conn., found not unreasonable. Complaint dismissed.

Ochs Brick & Tile Co. v. Chicago & N. W. Ry. Co., 159 I. C. C. 511.

337. Rates on brick and related articles from Heron Lake and Springfield, Minn., to points in western North Dakota found unreasonable. Reasonable rates prescribed for the future.

338. Rates on drain tile, in carloads, from Heron Lake and Springfield, Minn., to points in North Dakota found unreasonable. Reasonable rates prescribed for the future.

339. Original report, 139 I. C. C. 695, modified.

North Dak. Board of Railroad Commissioners v. Big Fork & I. F. Ry. Co., 159 I. C. C. 517.

340. Rates on newsprint paper, in carloads, from certain points in Minnesota and Canada for that portion of the transportation within the United States to Valley City, Jamestown, Bismarck, N. Dak., and points directly intermediate thereto, found unreasonable. Reasonable rates prescribed and reparation awarded.

341. Rates on the same commodity from the same origins and other points in Minnesota to the same and other destinations in North Dakota found not unreasonable.

Consolidation of railroads, 159 I. C. C. 522.

342. Pursuant to section 5 of the interstate commerce act, plan adopted for consolidation of the railway properties of continental United States into a limited number of systems as stated in the report.

Miller Bros. 101 Ranch v. Atchison, T. & S. F. Ry. Co., 159 I. C. C. 590.

343. Rates charged on stocker (stock) cattle, in carloads, from Tarver, Ga., and certain points in Florida to certain points in Alabama, Tennessee, and Illinois found inapplicable and unreasonable in the instances and to the extent indicated in the report. Practices of the Atlantic Coast Line with respect to the loading of cattle found unreasonable. Reasonable rates prescribed and reparation awarded.

Strouds Creek & Muddlety R. Co. v. Baltimore & O. R. Co., 159 I. C. C. 601.

344. Divisions accorded Strouds Creek & Muddlety Railroad out of joint rates on coal found unjust, unreasonable, and inequitable. Just, reasonable, and equitable divisions prescribed.

Wood pulp from mill points in New England, 159 I. C. C. 610.

345. Proposed readjustment of rates on wood pulp, in carloads, from and to points in New England on the Maine Central, Boston & Maine, and Grand Trunk, and from points in Maine on the Maine Central to points in New York State, found not justified. Suspended schedules ordered canceled.

Rates on bituminous coal from points in Missouri, 159 I. C. C. 617.

346. Certain intrastate rates applied to the transportation of slack coal, in carloads, from Missouri mines in the Rich Hill group to Kansas City and St. Joseph, Mo., found to result in undue prejudice to shippers of interstate traffic, in undue preference of shippers of intrastate traffic, and in unjust discrimination against interstate commerce, and rates prescribed for the purpose of removing such prejudice, preference, and discrimination.

347. Interstate rates on slack and mine-run coal, in carloads, from Pleasanton and La Cygne, Kans., to Kansas City and St. Joseph, Mo., found not unreasonable. Complaint in No. 21854 dismissed.

Oreg. Public Service Commission v. Central Pac. Ry. Co., 159 I. C. C. 630.

348. The construction of a rail-line extension between Crane, Oreg., and a connection with the Southern Pacific at, or near Crescent Lake, Oreg., by the Oregon-Washington Railroad & Navigation Company is reasonably required in the interest of public convenience and necessity, and the expense involved therein will not impair the ability of the carrier to perform its duty to the public. Construction of extension required.

Milne Lumber Co. v. Cleveland, C., & St. L. Ry. Co., 159 I. C. C. 668.

349. Demurrage charges collected at Columbus, Ohio, on a carload of lumber from Casey, Ala., reconsigned at Evansville, Ind., found inapplicable. Reparation awarded.

Pig iron from southern points, 159 I. C. C. 671.

350. Proposed reduced rates on pig iron, in carloads, from producing points in Alabama, Tennessee, and Kentucky to St. Louis, Mo., and related or intermediate points in Illinois and Indiana found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Acme Coal Co. v. Baltimore & O. R. Co., 159 I. C. C. 681.

351. Upon further hearing, finding in previous report, 136 I. C. C. 286, that rates on bituminous coal, in carloads, from the Monongah, Short Line, and Clarksburg districts in West Virginia, to Buffalo, N. Y., and points taking the same rates are not unduly prejudicial, affirmed.

Milne Lumber Co. v. Detroit, G. H. & M. Ry. Co., 159 I. C. C. 688.

352. Demurrage charges assessed for detention of a carload of lumber at Detroit, Mich., found inapplicable to the extent that they exceeded the sum of \$28. Case held open pending adjustment in accordance with findings herein.

Baltimore Chamber of Commerce v. Ann Arbor R. Co., 159 I. C. C. 691.

353. Export and import rates between differential territory and Baltimore, Md., found not unreasonable, unduly prejudicial, or otherwise in violation of the interstate commerce act. Complaint dismissed.

Amicon Fruit Co. v. Atlantic Coast Line R. Co., 159 I. C. C. 720.

354. Rate charged on one carload of green beans, in bushel hampers, from Kingstree, S. C., to Bluefield, W. Va., found unreasonable. Reparation awarded.

Klotz v. Chesapeake & O. Ry. Co., 159 I. C. C. 721.

355. Rate on scrap iron, in carloads, from Staunton, Va., to Weirton, W. Va., found not unreasonable. Complaint dismissed.

Pacific Gas & Electric Co. v. Southern Pac. Co., 159 I. C. C. 722.

356. Rate on creosote oil, in carloads, from Ironton, Utah, to Redding, Calif., found not unreasonable or unduly prejudicial. Complaint dismissed.

Drake Marble & Tile Co. v. Southern Ry. Co., 159 I. C. C. 725.

357. Upon rehearing findings in former report, 148 I. C. C. 725, that the rates on rough quarried marble, in carloads, from points in Alabama, Tennessee, and Georgia to Minneapolis and St. Paul, Minn., were not unreasonable, affirmed. Complaint dismissed.

Celotex Co. v. Atlantic Coast Line R. Co., 159 I. C. C. 727.

358. Rates applied on shipments of Celotex, in carloads, from Marrero (New Orleans), La., to destinations in Florida found inapplicable, and applicable rates found unreasonable. Reasonable rates prescribed and reparation awarded.

359. Failure of line-haul carriers to absorb initial line's switching charge found not unreasonable or otherwise unlawful.

Garfield County Board of Commissioners v. Atchison, T. & S. F. Ry. Co., 159 I. C. C. 733.

360. Rates on gravel, in carloads, from Silverdale, Kans., to certain destinations in Garfield County, Okla., found unreasonable but not otherwise unlawful. Reparation denied. Complaint dismissed.

Brown Shoe Co. v. Southern Pac. Co., 159 I. C. C. 735.

361. Rate charged on less-than-carload shipments of shoe leather from San Francisco, Calif., to St. Louis, Mo., found applicable. Complaint dismissed.

Squire & Co. v. Boston & A. R., 159 I. C. C. 737.

362. Rate on mahogany sawdust, in carloads, from Carteret, N. J., to Boston, Brightwood, East Cambridge, and Worcester, Mass., prior to December 11, 1927, found unreasonable but not otherwise unlawful. Reparation awarded.

363. Rate on the same commodity from Carteret to Boston on and after December 11, 1927, found not unreasonable.

364. Rates on the same commodity from Carteret to New Haven, Conn., found unreasonable but not otherwise unlawful, and from Long Island City, N. Y., to Boston found unreasonable. Rates prescribed for the future and reparation awarded.

Warrior Cement Corp. v. Gulf & S. I. R. Co., 159 I. C. C. 742.

365. Rates charged on osnaburg cotton bags, in bales, in less than carloads, from Gulfport, Miss., and Baton Rouge, La., to Spocari, Ala., found applicable with the exception of rate charged on one shipment from Baton Rouge found inapplicable, resulting in undercharges. Applicable rates found unreasonable but not otherwise unlawful. Waiver of collection of the outstanding undercharges authorized and reparation awarded.

McCrary Co. v. Atlantic Coast Line R. Co., 159 I. C. C. 745.

366. Rate charged on a carload shipment of one traveling crane from St. Petersburg, Fla., to Savannah, Ga., found applicable. Complaint dismissed.

Thannhauser & Co. v. Southern Pac. Co., 159 I. C. C. 747.

367. Carload rate on crinkled paper-bag linings from San Francisco, Calif., to Nogales, Ariz., applicable on a shipment destined to Puga, Nayarit, Mexico, found unreasonable. Reparation awarded. The commission is without jurisdiction over the rate charged from Nogales, Sonora, Mexico, to Puga, Nayarit, Mexico.

Rapp Lumber Co. v. Louisville & N. R. Co., 159 I. C. C. 749.

368. Transit rates on logs except walnut and cherry, in carloads, from points in Georgia, Kentucky, Tennessee, and Virginia, to Barbourville, Ky., found not unreasonable in the past, but unreasonable and unduly prejudicial for the future. Reasonable and nonprejudicial rates prescribed.

Carnation Milk Products Co. v. Chicago, M., St. P. & P. R. Co., 159 I. C. C. 753.

369. Rates on canned condensed or evaporated milk in carloads, from Nampa, Idaho, to destinations in Montana found not unreasonable or otherwise unlawful. Complaint dismissed.

Brown Cracker & Candy Co. v. Missouri-K.-T. R. Co., 159 I. C. C. 759.

370. Rate on shipments of paper box board, not corrugated or indented, in carloads, from Monroe, Mich., to Dallas, Tex., on and after November 19, 1925, found unreasonable as indicated. Reasonable rate prescribed and reparation awarded.

Wickes Boiler Co. v. Illinois Central R. Co., 159 I. C. C. 764.

371. Rate charged on four carloads of steam-power boilers from Saginaw, Mich., to West Monroe, La., found unreasonable. Present rate not found unreasonable or otherwise unlawful. One carload of contractors' equipment from Grand Rapids, Mich., to West Monroe found overcharged. Reparation awarded.

Aame Brick Co. v. Fort Smith & W. Ry. Co., 159 I. C. C. 767.

372. Rates on draintile, in carloads, from Fort Smith, Ark., to Oklahoma City, Okla., found unreasonable. Reparation awarded.

Nebraska Consolidated Mills Co. v. St. Joseph & G. I. Ry. Co., 159 I. C. C. 769.

373. Rates on numerous shipments of wheat flour, bran, shorts, middlings, and other products of grain, in mixed carloads, from origins in Colorado and Nebraska to destinations in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Wisconsin, and other States, milled in transit at Grand Island, Nebr., found applicable. Complaint dismissed.

Fee v. Atchison, T. & S. F. Ry. Co., 159 I. C. C. 772.

374. Rate on citrus fruits, in carloads, from California points to Roswell, N. Mex., found not unreasonable. Complaint dismissed.

Lucey Mfg. Corp. v. Atchison, T. & S. F. Ry. Co., 159 I. C. C. 777

375. Carload commodity rates on oil-well supplies and boilers from Chattanooga, Tenn., to Los Angeles, Long Beach, and San Pedro, Calif.; on oil-well supplies from Los Angeles to Duncan, Okla.; and on oil-well machinery from Lovell, Okla., to Los Angeles, found not unreasonable or otherwise unlawful. Complaint dismissed.

Lewis Mfg. Co. v. Akron, C. & Y. Ry. Co., 159 I. C. C. 781.

376. Rates on pitch coke, in carloads, from Granite City, Ill., Fairmont, W. Va., and Dover, Ohio, to Niagara Falls, Ontario, Canada, found not unreasonable or unduly prejudicial. Complaint dismissed.

Omaha Steel Works v. Chicago & N. W. Ry. Co., 159 I. C. C. 787.

377. Claim for reparation based on the inapplicability of the rate charged on a carload shipment of crude dolomite, from Narlo, Ohio, to Omaha, Nebr., found barred. Complaint dismissed.

Germain Lumber Co. v. New York, N. H. & H. R. Co., 159 I. C. C. 789.

378. Charges collected on a carload of lumber from Sopchoppy, Fla., to New Haven, Conn., found not based on an inaccurate weight, not unreasonable, and not unduly prejudicial. Complaint dismissed.

Eastman v. Northern Pac. Ry. Co., 159 I. C. C. 790.

379. Demurrage charges on lumber, in carloads, shipped from points in the State of Washington to Tacoma, Wash., for export, found applicable. Complaint dismissed.

Guthrie & Co. v. Duluth, S. S. & A. Ry. Co., 159 I. C. C. 793.

380. Rate on secondhand steel rails, in carloads, from Bayard, Ohio, to Negaunee, Mich., found applicable, and not unreasonable or otherwise unlawful. Complaint dismissed.

Lake cargo coal from southwest Pennsylvania mines, 159 I. C. C. 795.

381. Proposed increased rates on lake-cargo coal, in carloads, from certain mines in the Pittsburgh district near Fredericktown, Pa., on the Pennsylvania, and Besco, Pa., on the Monongahela, to Ashtabula Harbor and Cleveland, Ohio, and Erie, Pa., found not justified. Suspended schedules ordered canceled.

McDonald Construction Co. v. Atlantic Coast Line R. Co., 160 I. C. C. 1.

382. Charges collected on one shipment consisting of a road roller and belting from Waverly, N. J., to Winston, Fla., found inapplicable. Reparation awarded.

Standard Gas Equipment Corp. v. Lehigh Valley R. Co., 160 I. C. C. 4.

383. Rate on coke in carloads, from Greenville, N. J., to Baltimore, Md., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Miami v. Atlantic Coast Line R. Co., 160 I. C. C. 7.

384. Rates on bituminous rock asphalt, in carloads, from Bowling Green, Rockport, Summit, and Garfield, Ky., to Miami, Fla., found not unreasonable. Complaint dismissed.

Agricultural limestone, 160 I. C. C. 11.

385. Proposed rates on agricultural limestone, in box cars, in carloads, from Gibsonburg and Woodville, Ohio, and Monroe and Sibley, Mich., to destinations in Michigan, over interstate routes, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Paper stock from St. Louis, 160 I. C. C. 16.

386. Proposed increased rates on paper stock, in carloads, from St. Louis, Mo., to points in Illinois taking Alton and Wood River, Ill., rates found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Russel & Son v. Seaboard Air Line Ry. Co., 160 I. C. C. 21.

387. Rate charged on a carload of lumber from Bladenboro, N. C., to South Clarksville, Va., found unreasonable. Reparation awarded.

Clay Products Traffic Asso. v. Akron, C. & Y. Ry. Co., 160 I. C. C. 23.

388. Rates on fire brick, in carloads, from certain producing points in eastern Missouri to destinations east of Indiana-Illinois State line in central, trunk-line, and New England territories found unreasonable but not otherwise unlawful. Reasonable basis prescribed for the future.

Duck River Grain Co. v. Nashville, C. & St. L. Ry., 160 I. C. C. 28.

389. Carload rate on corn from Denver, Tenn., to Athens, Ga., found unreasonable. Reasonable rate prescribed for the future. Reparation denied.

Routing on export petroleum, 160 I. C. C. 32.

390. Proposed restriction of certain routes in connection with Gulf Coast Lines on shipments of petroleum, in tank-car loads, from various Texas points to Westwego, La., and other subports of New Orleans, La., for export, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

E-Z Opener Bag Co. v. Illinois Central R. Co., 160 I. C. C. 37.

391. Rates on pulpwood from certain points in Mississippi to Braithwaite, La., found unreasonable. Reasonable rates prescribed for the future, and reparation awarded.

Southern Traffic & Audit Asso. v. International-G. N. R. Co., 160 I. C. C. 42.

392. Rating and rate on root-beer extract as applied to complainant's root-beer "flavor," in less than carloads, from Galveston, Tex., to St. Louis, Mo., found applicable and not unreasonable or unduly prejudicial. Complaint dismissed.

Pure Oil Co. v. Atchison, T. & S. F. Ry. Co., 160 I. C. C. 45.

393. Rates on oil-well supplies and wrought-iron pipe, in straight carloads, from Carlsbad, N. Mex., to Pyote, Tex., found unreasonable. Reparation awarded.

Colorado Culvert & Flume Co. v. Atchison, T. & S. F. Ry., Co., 160 I. C. C. 48.

394. Rates charged on sheet iron or steel culverts or culvert pipe, in carloads, from Gary, Ind., fabricated in transit at Pueblo, Colo., and forwarded to points in New Mexico and Texas found applicable. Complaint dismissed.

Valdosta Traffic Bureau v. Georgia S. & F. Ry. Co., 160 I. C. C. 51.

395. Rates on coconuts, in carloads, from Mobile, Ala., and New Orleans, La., to Valdosta, Ga., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

396. Rates on salt, in carloads, from points in Michigan, New York, and Louisiana, to Valdosta to be dealt with in a later report.

Smith Bros. v. Atlantic Coast Line R. Co., 160 I. C. C. 53.

397. Rates charged on five carloads of machinery and machines, and parts thereof, from Dallas, Tex., Marshall, Mo., and Milwaukee, Wis., to Lithia, Parrish, Tampa, and Bradenton, Fla., found inapplicable and, in respect of certain of the shipments, unreasonable. Reparation awarded.

Pacific Cottonseed Products Corp. v. San Diego & A. Ry. Co., 160 I. C. C. 58.

398. Rates on cottonseed oil, in carloads, from Brawley, Calif., to Potash, Calif., and cottonseed, in carloads, from Potash to Brawley and Calipatria, Calif., over routes through Mexico, found to have been unreasonable. Reparation awarded.

Smith Agency v. Atlantic Coast Line R. Co., 160 I. C. C. 61.

399. Rate prior to January 20, 1928, and rate on and after that date on pulpboard, in carloads, from Hartsville, S. C., to Nashville, Tenn., found not unreasonable. Complaint dismissed.

Taylor Marble & Tile Co. v. Chicago, R. I. & P. Ry. Co., 160 I. C. C. 65.

400. Combination rate applicable to polished marble, in carloads, from Oklahoma City, Okla., to Amarillo and Breckenridge, Tex., found unreasonable. Reasonable rates for the future prescribed and reparation awarded.

United Verde Copper Co. v. Alabama & V. Ry. Co., 160 I. C. C. 70.

401. Rates on brick and fire clay, in straight or mixed carloads, from Gallup, N. Mex., El Paso, Tex., Pueblo, Canon City, and Denver, Colo., Mexico and St. Louis, Mo., Chicago and East St. Louis, Ill., Hammond, Ind., Clearfield, Mount Union, and Woodland, Pa., and points taking same rates, to Clarkdale Ariz., found not unreasonable or otherwise unlawful.

402. Rates on the same commodities from Baltimore and Curtis Bay, Md., Chester, Pa., and Santa Fe, N. Mex., found unreasonable but not unduly prejudicial. Reparation awarded.

Belo Corp. v. Arkansas & L. M. Ry. Co., 160 I. C. C. 77.

403. Rates on printing ink, in carloads, from Cincinnati, Ohio, St. Louis, Mo., Clearing and Chicago, Ill., and points taking the same rates, to Dallas and Fort Worth, Tex., found not unreasonable. Complaint dismissed.

Southgate Produce Co. v. Pennsylvania R. Co., 160 I. C. C. 82.

404. Rates on imported potatoes, in carloads, from Norfolk, Va., to certain destinations in Virginia found unreasonable but not otherwise unlawful. Reasonable rates prescribed for the future and reparation awarded.

405. Rates on imported potatoes, in less than carloads, from and to the same points found not unreasonable or otherwise unlawful.

Union Oil Co. v. Pennsylvania R. Co., 160 I. C. C. 87.

406. Rates on petroleum lubricating oil and greases, in carloads, from Rouseville, McClintock, Emlenton, Struthers, and Marcus Hook, Pa., and Baltimore, Md., to Asheville and Biltmore, N. C., found not unreasonable.

407. Rates on like traffic from Oil City and North Warren, Pa., and St. Mary's, W. Va., to Asheville and Biltmore found unreasonable. Reasonable rates prescribed and reparation awarded.

Associated Furniture Mfrs. v. Chicago & A. R. Co., 160 I. C. C. 91.

408. Rates on furniture, in carloads, from points in Wisconsin and Illinois to St. Louis, Mo., found not unreasonable. Complaints dismissed.

Missisquoi Pulp & Paper Co. v. Boston & M. R., 160 I. C. C. 96.

409. Rates on bisulphite of soda, rosin sizing, alum, and waste paper, in carloads, from certain points in Massachusetts to Sheldon Springs, Vt., found not unreasonable. Complaint dismissed.

Bacon Bros. v. Chicago & N. W. Ry. Co., 160 I. C. C. 103.

410. Charges collected on potatoes, in carloads, from certain points in Missouri to certain destinations in Wisconsin found unreasonable. Reparation awarded.

Central Chemical Corp. v. Atchison, T. & S. F. Ry. Co., 160 I. C. C. 105.

411. Rates on sulphate of alumina, in carloads, from Kokomo, Ind., to certain points in Minnesota and the Upper Peninsula of Michigan found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed for the future. Reparation denied.

Peterson Art Furniture Co. v. Chicago G. W. R. Co., 160 I. C. C. 109.

412. Rate on furniture, in carloads, from Waterville and Faribault, Minn., to New York, N. Y., found not unreasonable or otherwise unlawful. Complaint dismissed.

Federal Foundry Supply Co. v. Chicago, B. & Q. R. Co., 160 I. C. C. 111.

413. Rate on bentonite clay, in carloads, from Clay Spur and other points in Wyoming grouped therewith to Joliet, Ill., and other destinations grouped with Chicago, Ill., and to Omaha, Nebr., found not unreasonable or unduly prejudicial.

414. Rate charged on bentonite clay, in carloads, from Clay Spur to Cincinnati, Ohio, found inapplicable. Applicable rate found not unreasonable.

415. Complaints dismissed.

Fulton Bag & Cotton Mills v. Southern Ry. Co., 160 I. C. C. 117.

416. Rates on used burlap or gunny bags, in carloads, from Ohio River crossings and certain points north thereof to Atlanta, Ga., found to have been unreasonable. Reparation awarded.

Bedford Can Co. v. Norfolk & Western Ry. Co., 160 I. C. C. 123.

417. Rate on tin-plate scrap, in carloads, from Bedford, Roanoke, and Buchanan, Va., to Neville Island, Pa., found not to have been unreasonable. Complaint dismissed.

Manassa Timber Co. v. New York Central R. Co., 160 I. C. C. 126.

418. Demurrage and freight charges collected at Detroit, Mich., on a carload of lumber from Eros, La., reconsigned in transit at East St. Louis, Ill., found inapplicable. Reparation awarded.

Wilkins v. Southern Ry. Co., 160 I. C. C. 134.

419. Rates on bananas, in carloads, from Charleston, S. C., to Hendersonville, N. C., found unreasonable, but not otherwise unlawful. Reparation awarded.

Fort Worth Gas Co. v. Atchison, T. & S. F. Ry. Co., 160 I. C. C. 137.

420. Rates on tin-case gas meters, in carloads, from Erie, Pa., to Dallas and Fort Worth, Tex., and on cast-iron case gas meters, in carloads and in mixed carloads with gas regulators, from Erie and Wilksburg, Pa., to Oklahoma and Texas destinations found not unreasonable. Mixed carload of meters and regulators to Belton, Tex., found overcharged. Reparation awarded.

Oklahoma Corporation Commission v. Atchison, T. & S. F. Ry. Co. 160 I. C. C. 143.

421. Rates on coal, in carloads, from mining districts in Oklahoma and Arkansas to destinations in Texas found unreasonable. Reasonable rates prescribed.

Moore Shirt Factories Co. v. Atlantic Coast Line R. Co. 160 I. C. C. 154.

422. Rates on cotton piece goods in the original piece, any quantity, from points in Alabama, Georgia, Mississippi, North Carolina, and South Carolina, to Canton, Massillon, New Philadelphia, and Louisville, Ohio, found not unreasonable. Complaint dismissed.

423. Fourth-section relief denied.

Cities Service Gas Co. v. Atchison, T. & S. F. Ry. Co., 160 I. C. C. 159.

424. Rates on internal-combustion engines and parts thereof, in carloads, from Mount Vernon and Hamilton, Ohio, and Olean, N. Y., to certain destinations in Kansas, Oklahoma, and Texas found not unreasonable.

425. Rates on like traffic from Lep, Okla., to Wichita, Kans., and from Kansas City, Mo., to Borger, Tex., found unreasonable. Reparation awarded.

Tidal Refining Co. v. Atchison, T. & S. F. Ry. Co., 166 I. C. C. 161.

426. Rates on natural gasoline, in tank-car loads, from named points in Kansas, Oklahoma, and Texas, to named points in official and southern territories found unreasonable in certain instances and not unreasonable in certain other instances. Reasonable rates prescribed for the future and reparation awarded.

427. Findings in original report in No. 15255 and No. 15255 (Sub-No. 1), 123 I. C. C. 707, modified as to the rate found reasonable to Brunswick, Ga., and affirmed in all other respects.

Prendergast Lumber Co. v. Union Pac. R. Co., 160 I. C. C. 173.

428. Demurrage charges collected on four carloads of lumber held for disposition order at Topeka, Kans, found applicable. Complaint dismissed.

National Cannery Asso. v. Ann Arbor R. Co., 160 I. C. C. 175.

429. Finding in original report, 147 I. C. C. 677, that rates on canned goods, in carloads, from points in Wisconsin to destinations in New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island were not unreasonable, affirmed upon reconsideration. Complaint dismissed.

Peterson Construction Co. v. Minneapolis, St. P. & S. S. M. Ry. Co., 160 I. C. C. 178.

430. Shipment of one contractor's conveyor from Spooner, Wis., to Genola, Minn., charged for as a carload, found subject to less-than-carload rate. Reparation awarded.

Selden Truck Corp. v. Cleveland, C. C. & St. L. Ry. Co., 160 I. C. C. 181.

431. Rates on automobile trucks and chassis, in carloads, from Rochester, N. Y., and Evansville, Ind., to Tulsa, Okla., found not unreasonable. Complaints dismissed.

G. & W. Refrigerator Co. v. Bush Terminal Co., 160 I. C. C. 184.

432. Rates on door and window frames, knocked down, with or without pulleys, in carloads, from Cloquet, Minn., to destinations in New York, New Jersey, Ohio, and Connecticut found not unreasonable but unduly prejudicial. Complainant not shown to have been damaged by the undue prejudice found herein. Undue prejudice ordered removed.

Manistee & N. E. Ry. Co. v. Ann Arbor R. Co., 160 I. C. C. 187.

433. Divisions received by complainant out of joint rates with defendants found not unreasonable or otherwise unlawful. Complaint dismissed.

Climax Mfg. Co. v. New York Central R. Co., 160 I. C. C. 199.

434. Rate on paper boxes, other than corrugated, knocked down, flat, in carloads, from Castorland, N. Y., to Washington, D. C., found unreasonable. Reasonable rate prescribed and reparation awarded.

Whitney Estate Co. v. Southern Pac. Co., 160 I. C. C. 203.

435. Certain carload shipments of feeder sheep from Truckee, Calif., to Rocklin, Calif., found to have moved intrastate.

436. Certain carload shipments of feeder sheep from Rocklin to Sparks, Nev., found to have been undercharged. Applicable rate thereon found unreasonable. Waiver of undercharges authorized to the extent indicated. Complaint dismissed.

Cheese from Nebraska, 160 I. C. C. 207.

437. Proposed cancellation of commodity rates on cheese, in carloads, from O'Fallons, Nebr., to destinations in Oklahoma and Texas found not justified. Suspended schedules ordered canceled.

Brown Roberts Hardware & Supply Co. v. Louisiana & A. Ry. Co., 160 I. C. C. 209.

438. Rate charged on one carload of composition roofing from Erie, Pa., to Alexandria, La., found not in violation of section 4 of the interstate commerce act or unreasonable. Complaint dismissed.

Nutter v. Minneapolis, St. Paul & S. S. M. Ry. Co., 160 I. C. C. 211.

439. Allegation that a carload shipment of road machinery shipped from Lengby, Minn., to Turtle Lake, Wis., was misrouted, found not sustained. Complaint dismissed.

Southern Traffic & Audit Asso. v. International-G. N. R. Co., 160 I. C. C. 212.

440. Rate charged on a mixed carload of iron and steel articles from Buffalo, N. Y., to Texas City, Tex., found inapplicable. Reparation awarded.

West Penn Lumber Co. v. Louisville & N. R. Co., 160 I. C. C. 215.

441. Collection of reconsignment charge on one carload of dressed yellow-pine lumber from Evergreen, Ala., originally billed to Struthers, Pa., and from there reconsigned to Struthers, Ohio, in addition to the rates to and from Struthers, Pa., found unreasonable. Other charges collected found applicable and not unreasonable. Reparation awarded.

Dreifus Co. v. Pennsylvania R. Co., 160 I. C. C. 217.

442. Rates on iron or steel scrap, in carloads, between Carnegie, Pa., and Steubenville, Ohio, and Weirton, W. Va., found not unreasonable.

443. Rates charged on iron or steel scrap, in carloads, from Weirton to Carnegie on and after January 15, 1927, and from Steubenville to Carnegie on and after September 1, 1927, found inapplicable. Applicable rates determined and reparation awarded.

North American Creamery Co. v. American Ry. Express Co., 160 I. C. C. 222.

444. On further hearing, routes over which the rates prescribed on interline shipments of cream, in cans, in baggage cars or in baggage and express service from designated points in North Dakota and Minnesota to Paynesville, Minn., in the former report herein, 136 I. C. C. 359, determined. Reparation awarded.

St. Paul v. Chicago, M. St. P. & P. R. Co., 160 I. C. C. 227.

445. The establishment of a freight-car interchange track between rails of the barge terminal at St. Paul, Minn., and the line of the Chicago, Milwaukee, St. Paul & Pacific Railroad is shown by the record to be reasonably required in the interest of public convenience and necessity.

Boscobel Granite Quarries v. Chesapeake & O. Ry. Co., 160 I. C. C. 238.

446. Rates on crushed stone, in carloads, from Boscobel, Va., to Moyock, N. C., found not unreasonable. Present rate found not unduly prejudicial and complaint not shown to have been damaged by reason of any undue prejudice which may have existed. Complaint dismissed.

Lynchburg Iron & Metal Co. v. Seaboard Air Line Ry. Co., 160 I. C. C. 241.

447. Rates charged on dismantled ice machinery, in carloads, from Clinton and Abbeville, S. C., to Lynchburg, Va., found applicable. Complaint dismissed.

Kelley v. Seaboard Air Line Ry. Co., 160 I. C. C. 243.

448. Charges on one carload of live poultry from Americus, Ga., to Savannah, Ga., stopped in transit to complete loading and reconsigned at Savannah to Jersey City, N. J., found unreasonable. Reparation awarded.

King Stone Co v. Chicago, I. & L. Ry. Co., 160 I. C. C. 245.

449. Failure of defendant to furnish Alexander King Stone Company with freight cars during period October 4, 1927, to March 15, 1928, for loading stone at quarry near Stinesville, Ind., found to have been unjust and unreasonable and to have subjected complainant to undue prejudice.

Terry Fish Co. v. Atlantic Coast Line R. Co., 160 I. C. C. 260.

450. Rates and minimum weights charged on one carload of fresh fish from Fort Myers, Fla., to Columbia, S. C., and reshipped to Charleston, S. C., found not unreasonable or otherwise unlawful. Complaint dismissed.

Perrine-Armstrong Co. v. New York, C. & St. L. R. Co., 160 I. C. C. 263.

451. Rate charged on one carload of lumber transited at and shipped from Fort Wayne, Ind., to Kane, Pa., the tonnage of which originated at Norman, Ark., and Hartford City, Ind., found not unreasonable or in violation of section 4. Complaint dismissed.

Missisquoi Pulp & Paper Co. v. Central Vermont Ry. Co., 160 I. C. C. 265.

452. Rate on wood-pulp board and binders' board, in carloads, from Sheldon Springs, Vt., to Washington, D. C., found unreasonable. Reasonable rate prescribed and reparation awarded.

Zimmerman-Wells-Brown Co. v. Oregon-W. R. & N. Co., 160 I. C. C. 269.

453. Complaint against rate charged on two carloads of old secondhand steel rope from Butte, Mont., to Portland, Oreg., found barred. Complaint dismissed.

Vulcan Mold & Iron Co. v. Pennsylvania R. Co. 160 I. C. C. 271.

454. Rate on pig iron, in carloads from Hubbard, Ohio, and certain other points in the Mahoning and Shenango Valleys to Latrobe, Pa., found not unreasonable. Complaint dismissed.

Excelsior Coal Co. v. Midland Valley R. Co., 160 I. C. C. 275.

455. Refusal of defendant carrier to furnish open-top cars on its station or team track at Excelsior, Ark., for coal loading and transportation on and after February 28, 1929, upon reasonable requests by complainants, was unjust, unreasonable, and unduly prejudicial.

456. Record held open to permit the filing of a petition for further hearing with respect to the amount of damages sustained by complainants, as a result of the unlawful practices of defendant.

Automatic train-control devices, 160 I. C. C. 281.

457. After inspection and test, installation found to be in conformity with plans furnished by the carrier, and installation approved except as noted.

458. Certain features in connection with the requirements and specifications are brought to the carrier's attention for consideration and appropriate action.

Oklahoma Contracting Co. v. Atchison, T. & S. F. Ry. Co., 160 I. C. C. 296.

459. Rates on used contractors' equipment, in carloads, from Dallas, Fritch, and Henrietta, Tex., to Andover and Emporia, Kans., and Anadarko, Okla., found unreasonable. Reparation awarded.

Tulsa Traffic Asso. v. Atchison, T. & S. F. Ry. Co., 160 I. C. C. 299.

460. Rates on wire rope, in carloads, from Williamsport, Pa., to Tulsa and certain other destinations in Oklahoma found not unreasonable. Complaint dismissed.

Retort Chemical Co. v. Louisville & N. R. Co., 160 I. C. C. 303.

461. Rates on wood charcoal, in carloads, from Mossy Head, Fla., to New Orleans, La., found unreasonable but not unduly prejudicial. Reparation awarded.

Menasha Printing & Carton Co. v. Akron, C. & Y. Ry. Co., 160 I. C. C. 305.

462. Rates on printed and unprinted waxed wrapping paper, waxed-paper wrappers, pulpboard boxes, knocked down flat, other than corrugated, and paper ice-cream can linings, in mixed carloads, from Menasha, Wis., to all destinations in central territory, found not unreasonable or otherwise unlawful. Complaint dismissed.

Chert, Clay, Sand, and Gravel, 160 I. C. C. 309.

463. Upon further hearing in No. 17517, rates maintained by respondents on sand, gravel, crushed stone, and allied commodities, in carloads, for application within Georgia, found to be unduly prejudicial to interstate shippers, unduly preferential of intrastate shippers, and unjustly discriminatory against interstate commerce.

464. Upon further hearing in No. 17763, undue prejudice to complainant at Montgomery, Ala., and undue preference of shippers between points in Georgia, found to result from the relation of interstate rates on sand and gravel, in straight or mixed carloads, from Montgomery to destinations in Georgia, and

intrastate rates on sand, gravel, and crushed stone, in carloads, from points in Georgia to the same destinations.

465. Rates prescribed which will remove such preference, prejudice, and discrimination found to exist. Former reports, 122 I. C. C. 133; 140 I. C. C. 85.

Cudahy Packing Co. v. Baltimore & O. R. Co., 160 I. C. C. 328.

466. Rates on dressed poultry, in carloads, from Sioux City, Iowa, to New York, N. Y., and other eastern destinations found applicable. Complaint dismissed.

Arkansas Cotton Trade Asso. v. St. Louis-S. F. Ry. Co., 160 I. C. C. 338.

467. Concentration charge on cotton from points in southeastern Missouri and northeastern Arkansas, forwarded to certain concentration points in that territory and reshipped to interstate destinations, found not unreasonable. Complaint dismissed.

Galveston Commercial Asso. v. Galveston, H. & S. A. Ry. Co., 160 I. C. C. 345.

468. Rates on specified commodities in export, import, and coastwise movement from or to points on the Texas & Pacific and Louisiana Railway & Navigation Company of Texas to or from Galveston and other Texas ports taking the same rates found unduly prejudicial to those ports and unduly preferential to New Orleans, La. Nonprejudicial relationships prescribed. Findings in previous report, 128 I. C. C. 349, in respect of this traffic reversed.

469. Finding of undue prejudice in previous report with respect to certain short-line connections of the Texas & Pacific affirmed.

470. Rate on green coffee, in carloads, from New Orleans, La., to Waco, Tex., found not unreasonable, but unduly prejudicial. Nonprejudicial relationship prescribed.

471. Fourth-section application No. 13271 denied.

Fries & Sons v. Central of Georgia Ry. Co., 160 I. C. C. 363.

472. Carload rate charged on peaches from Fort Valley, Ga., to Corbin, Ky., found applicable but unreasonable. Reparation awarded.

American Distilling Co. v. Akron, C. & Y. Ry. Co., 160 I. C. C. 366.

473. Findings and orders in the original report, 140 I. C. C. 633, and supplemental report, 153 I. C. C. 717, with respect to undue prejudice found to result from the differences in rates on denatured alcohol, in carloads from Pekin, Ill., and New Orleans, La., to destinations in central territory, modified to the extent indicated herein.

474. Defendants granted authority to establish rates consistent with our findings herein without observing the long-and-short-haul provision of the fourth section of the interstate commerce act.

Rules for car-hire settlement, 160 I. C. C. 369.

475. Common-carrier railroads, whether subscribers to the per diem agreement of the American Railway Association or nonsubscribers are entitled to receive reasonable compensation in the form of a daily rental for the use of their general-service freight cars when on foreign lines, and that the present per diem charge of \$1 per car-day reasonably compensates car owners for average car ownership and maintenance costs. The reasonableness of this per diem rate is not questioned.

476. The per diem rules are unreasonable to the extent that they do not authorize payment of the same daily rental of \$1 per car-day to common-carrier nonsubscribers as to subscribers for the use of general-service freight cars.

477. Per diem rule 5 is unreasonable to extent that it prohibits car-hire allowances to nonsubscribers which perform terminal switching, as the latter term is defined by the switching-reclaim rules of the American Railway Association, and should be so amended as to provide for similar reclaim allowances to nonsubscribers as to subscriber lines.

478. Paragraph (b) of per diem rule 6, which pertains to car-hire settlements with nonsubscribers, is unreasonable and should be so amended as to direct subscribers to make settlements with nonsubscribers in conformity with our findings herein.

479. It is uneconomical and unreasonable to require short-line carriers, which return railroad-owned equipment to the road from which received, to report per diem accruals to numerous car owners throughout the country. Such lines should be attached to their connecting carriers for purpose of car-hire settlement.

480. For the future it will be reasonable for common-carrier railroads which interchange freight cars with more than one subscriber railroad, and which deliver to one or more subscribing carriers, cars which are received from another such carrier, to make car-hire settlements direct with car owners in accordance with the per diem rules, and for railroads 100 miles or more in length, regardless of the number of railroads with which they connect, to so report per diem to car owners.

481. For the future it will be reasonable for common-carrier railroads outside switching districts, other than those referred to in finding 6, to pay per diem to connecting carriers on railroad-owned cars after deducting an average of two days free time per loaded freight car interchanged, settlements to be made at the end of each calendar month, except that no car hire should be paid for cars received for return coal loading from coal mines.

482. The modified demurrage bases of settlement now in force with the Chicago Short Line, Illinois Northern, Manufacturers' Junction, Pullman, Bay Terminal, Benwood & Wheeling Connecting, Birmingham Southern, Genesee & Wyoming, Lake Erie & Fort Wayne, Lakeside & Marblehead, Lime Rock, McKeesport Connecting, Moshassuck Valley, Northampton & Bath, Tionesta Valley, Valley Railroad, and Valley & Siletz are unreasonable and should be abrogated, and that for the future it will be reasonable for connecting carriers to make car-hire settlements with these railroads in conformity with the general findings herein; provided, however, that the modified demurrage bases of settlement now in operation on such of these lines as perform switching service should be continued in force for a reasonable time, but not to exceed six months from the date hereof, to enable interested carriers to determine the amount of time actually required by each of such railroads to handle freight cars in terminal switching service.

483. The existing basis of car-hire settlement with the Big Sandy & Kentucky River, Greenville & Northern, Jefferson & Northwestern, Kosciusko & Southeastern, Morehead & North Fork, Skaneateles, South Manchester, and the Virginia Blue Ridge, is unreasonable, and that for the future it will be reasonable for connecting carriers to make car-hire settlements with these railroads in conformity with the general findings herein. Inasmuch as the bases of settlement here proposed are for general application by all common carriers by railroads throughout the country, no retroactive adjustments will be required.

Oklahoma Portland Cement Co. v. Missouri-K-T. R. Co. of Tex., 160 I. C. C. 449.

484. Award of reparation on shipments of cement, in carloads, from Ada, Okla., to points in Texas found to be precluded by Rule III (s) of the Rules of Practice. Complaints dismissed.

485. Rates on cement, in carloads, from Ada, Okla., to Artesia and Roswell, N. Mex., found not unreasonable or unduly prejudicial. Complaint dismissed.

Holton & Hunkel Co. v. Chicago, M., St. P. & P. R. Co., 160 I. C. C. 455.

486. Rules governing absorption of switching charges at Brown Deer, Wis., found not unreasonable or otherwise unlawful. Complaint dismissed.

Stein v. Northern Pac. Ry. Co., 160 I. C. C. 457.

487. Rates charged on potatoes, in carloads, from points in Canada, to Minneapolis, Minn., found applicable. A certain shipment found to have been overcharged. Reparation awarded.

Tampa Electric Co. v. Louisville & N. R. Co., 160 I. C. C. 459.

488. Rate on structural steel, in carloads, from New Orleans, La., to Tampa, Fla., found not to have been unreasonable or in excess of the aggregate of intermediate rates over route of movement. Complaint dismissed.

Nicola, Stone & Meyers Co. v. Alabama G. S. R. Co., 160 I. C. C. 461.

489. Rates charged on yellow-pine lumber, in carloads, from certain points in Mississippi to Cedartown, Ga., found applicable and not unreasonable. Complaint dismissed.

Newburger Cotton Co. v. Gulf, M. & N. R. Co., 160 I. C. C. 464.

490. Upon reconsideration combination rates charged on shipments of cotton originating at certain points in Mississippi, compressed at New Albany, Miss., and forwarded to New Orleans, La., and Lewiston, Me., found unreasonable. Reparation awarded.

491. Finding in former report herein, 155 I. C. C. 327, that a transit rule restricting the application of joint rates on shipments of cotton, compressed in transit, to instances in which the paid inbound freight bills were surrendered upon reforwarding from transit point, was not unreasonable, affirmed.

Changes in certain classifications, 160 I. C. C. 471.

492. Proposed elimination from official, southern, western, and Illinois classifications of provision permitting cleats, fasteners, nails, and washers to be shipped in same package with iron or steel roofing at ratings applicable to the roofing, found justified.

493. Proposed increased less-than-carload ratings in western and Illinois classifications on soups, canned or preserved vegetables, and dried or evaporated fruits, all in glass or earthenware inner containers, found justified, but proposed increased less-than-carload ratings in those classifications on condensed or evaporated milk similarly packed, found not justified.

494. Proposed increased ratings in official, southern, western, and Illinois classifications on oil and gas separating tanks, in carloads and less than carloads, found not justified.

495. Proposed increased less-than-carload ratings in southern classification on cowpeas, soy beans, and velvet beans, found not justified.

496. Proposed increased carload ratings in southern classification on paper boxes, set up, found justified, but proposed increased carload rating in that classification on paper boxes shipped with bodies folded flat and tops and bottoms set up, found not justified.

497. Proposed increased carload ratings in Illinois, official, and southern classifications on rugs or mats made of fiber, other than straw, found not justified.

498. Less-than-carload ratings in official, southern, and western classifications and carload rating in western classification on rugs or mats made of fiber, other than straw, found unreasonable. Reasonable ratings prescribed.

499. Carload and less-than-carload ratings in official, southern, and western classifications on fiber rugs with burlap base, found unreasonable. Reasonable ratings prescribed and reparation awarded.

Metamora Elevator Co. v. Cincinnati, H. & D. Ry. Co., 160 I. C. C. 491.

500. Combination rates assessed on shipments of grain, grain products, and grain by-products, in carloads, from points in central territory to destinations in eastern trunk-line and New England territories, transited en route, found applicable and not unreasonable. Complaint dismissed.

West Dudley Paper Co. v. New York, N. H. & H. R. Co., 160 I. C. C. 495.

501. Rates on imported wood pulp from Boston, Mass., to West Dudley, Mass., over an interstate route, and to Manchester, Conn., found unreasonable. Reasonable rates prescribed and reparation awarded.

Otter River Board Co. v. Boston & M. R., 160 I. C. C. 500.

502. Rate on binders' board, in carloads, from Otter River, Mass., to Washington, D. C., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Globe Brick Co. v. Pennsylvania R. Co., 160 I. C. C. 503.

503. Rate charged on brick and related articles taking the same rate, in carloads, from Kenilworth, W. Va., and Empire, Ohio, to Castle Shannon, West Liberty, and Fair Haven, Pa., found unreasonable. Reparation awarded.

Sand, gravel, and crushed stone, 160 I. C. C. 507.

504. Proceedings in No. 21939 and Investigation and Suspension Docket No. 3093 discontinued in so far as they bring in issue rates on sand, gravel, and crushed stone, to destinations in Illinois on the Toledo, Peoria & Western.

505. Rates to destinations in Illinois on and south of the Terre Haute-St. Louis line of the Pennsylvania Railroad on sand, gravel, and crushed stone, in carloads, from producing points in Indiana and Illinois, on crushed stone, in carloads, from Marquette and Cape Girardeau, Mo., and on chat, in carloads, from producing points in Missouri, prescribed or approved as reasonable and nonprejudicial for interstate application and nonprejudicial and nondiscriminatory as between shippers in intrastate and interstate commerce.

506. Where proposals as to rates for the future are arrived as a result of a series of conferences between the parties during the course of the hearings, objection of opposing party to the consideration of such proposals by the commission overruled.

Gallagher v. Pennsylvania R. Co., 160 I. C. C. 563.

507. Practice of defendants in making allowances to certain warehouse companies in connection with the loading and unloading of package freight at Philadelphia, Pa., and refusing to make such allowances to complainants, found unjustly discriminatory and unduly prejudicial. Defendants required (1) to cease and desist from publishing or making such allowances, and (2) to cancel their tariff provisions which make the warehouses of the aforesaid companies a part of their respective station facilities at Philadelphia. Reparation denied.

Illinois Powder Mfg. Co. v. Chicago, P. & St. L. R. Co., 160 I. C. C. 570.

508. Charges collected on a carload of high explosives shipped from Grafton, Ill., to Milan, Tenn., found inapplicable. Reparation awarded.

Iron and steel articles, 160 I. C. C. 573.

509. Proposed rail-ocean-rail rates on iron and steel articles, in carloads, from points in Atlantic Seaboard territory to Texas destinations, published on what is known as the nonconcurrence plan, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Consumers Material Corp. v. Atchison, T. & S. F. Ry. Co., 160 I. C. C. 579.

510. Rates on crushed stone, in carloads, from Leeds, Mo., except as herein-after specified, and from Hueyette, Mo., to destinations in Kansas, and on gravel, in carloads, from Holliday, Kans., to destinations in Missouri found not unreasonable or unduly prejudicial.

511. Rates on crushed stone, in carloads, from Pixleys, Mo., to destinations in Kansas found in certain instances prior to December 20, 1927, in violation of the aggregate-of-intermediates provision of section 4 of the interstate commerce act, but that complainant was not damaged by reason of such departures.

512. Rates on crushed stone, in carloads, from Leeds, Mo., to destinations in Kansas on the Atchison, Topeka & Santa Fe, and to destinations in Missouri on the Chicago & Alton found unreasonable and unduly prejudicial. Reparation awarded.

Miller v. Louisville & N. R. Co., 160 I. C. C. 589.

513. Rates charged on potatoes, in carloads, from certain points in Minnesota and Wisconsin to Clarksville, Tenn., found not unreasonable or otherwise unlawful. Complaint dismissed.

Milne Lumber Co. v. Baltimore & O. R. Co., 160 I. C. C. 591.

514. Freight and demurrage charges on two carloads of lumber from Grant, La., to Pittsburgh, Pa., reconsigned in transit from Marine, Ill., and Coverdale, Pa., found to have been in excess of those applicable. Reparation awarded.

Allied Packers v. Abilene & S. Ry. Co., 160 I. C. C. 596.

515. Rates on fresh meats, packing-house products, green-salted hides, and inedible grease, in carloads, from Topeka, Kans., to Chicago, Ill., destinations in official classification territory east of the Indiana-Illinois State line, and points in southeastern and Carolina territories found not unreasonable in the past but in certain instances unreasonable for the future. Reasonable basis of rates prescribed.

Loose-Wiles Biscuit Co. v. Eastern S. S. Lines, 160 I. C. C. 603.

516. On reconsideration, findings in original report, 156 I. C. C. 512, modified as to dates.

Cairo Asso. of Commerce v. Angelina & N. R. R. Co., 160 I. C. C. 604.

517. Rates on walnut logs, in carloads, from points in Kansas, Oklahoma, Arkansas, Missouri, Louisiana, and Texas to Cairo, Ill., found unreasonable in certain instances and not unreasonable in others. Reasonable rates prescribed for the future and reparation awarded.

Acme Brick Co. v. Abilene & Southern Ry. Co., 160 I. C. C. 611.

518. Rates on brick, and other clay products, in carloads, from certain points in Texas, Oklahoma, and Arkansas, to points in New Mexico found unreasonable and unduly prejudicial. Reasonable and nonprejudicial basis of rates prescribed for the future.

Arnold & Co. v. Missouri Pac. R. Co., 160 I. C. C. 615.

519. Finding in prior report, 155 I. C. C. 643, that the movement of a carload of hay from Ocala, Fla., to Tampa, Fla., previously shipped from Uniontown, Kans., to Memphis, Tenn., and reconsigned thence to Ocala, was intrastate in character, reversed.

520. Application of a reconsignment charge at Ocala, in addition to the first reconsignment charge and the applicable interstate combination line-haul rates to and from that point, found to have been, and for the future to be, unreasonable. Defendants required to cease and desist from application of a reconsignment charge to further like shipments, and reparation awarded.

Colorado Paper Co. v. Atchison, T. & S. F. Ry. Co., 160 I. C. C. 617.

521. Rates on building and roofing paper, prepared roofing, asphalt shingles, and roofing materials, in straight and mixed carloads, from Milwaukee, Wis., St. Louis, Mo., Chicago, and other Illinois points to Pueblo, Colo., found not unreasonable. Complaint dismissed.

Newport News Shipbuilding & Dry Dock Co. v. Baltimore & O. R. Co., 160 I. C. C. 620.

522. Rates on iron or steel scrap, in carloads, from Newport News, Va., to certain destinations in Maryland, Delaware, New Jersey, and eastern Pennsylvania, and from Newport News, Norfolk, Portsmouth, and Richmond, Va., to Baltimore, Md., found not unreasonable in the past, but, with certain exceptions, found unreasonable for the future. Reasonable rates prescribed.

Belt Line Brick Co. v. Illinois Central R. Co., 160 I. C. C. 627.

523. Shipment of cement-floor compound and crushed rock from Rockford, Ill., to Greenwood, Miss., found subject to the carload rate charged. Complaint dismissed.

Williams & Sons v. Atlantic Coast Line R. Co., 160 I. C. C. 631.

524. Rate charged on three carloads of mahogany lumber from Carteret, N. J., to Sparta, Ky., found unreasonable. Reparation awarded.

525. Certain shipments of mahogany lumber found to have been misrouted. Reparation for damages due to misrouting awarded.

526. Rates on mahogany lumber and mahogany veneer, in carloads, from Carteret, N. J., to destinations in Carolina and southeastern territories found unreasonable and unduly prejudicial. Reasonable and nonprejudicial basis prescribed for the future.

Merck & Co. v. Baltimore & O. R. Co., 160 I. C. C. 639.

527. Rates on carloads consisting entirely of drugs or medicines or entirely of chemicals from Rahway, N. J., to St. Louis, Mo., from Long Island City and Brooklyn, N. Y., to Chicago, Ill., and from Bloomfield, N. J., to Chicago, St. Louis, Detroit, Mich., and Cincinnati, Ohio, found not unreasonable.

528. Rates on mixed carloads of drugs or medicines with chemicals from and to the same points found not unreasonable in the past but unreasonable for the future. Reasonable basis of rates prescribed.

529. Rate on drugs or medicines in straight carloads or in mixed carloads with chemicals, from Long Island City to Chicago found unduly prejudicial with reference to rate on similar traffic from Chicago to New York. Undue prejudice ordered removed.

Barnes Co. v. New York, N. H. & H. R. Co., 160 I. C. C. 646.

530. Rate on hot-rolled steel rods, in carloads, from Phillipsdale, R. I., to Forestville, Conn., found not to have been unreasonable. Complaint dismissed.

Menasha Products Co. v. Minneapolis, St. P. & S. S. M. Ry. Co., 160 I. C. C. 649.

531. Rate on printed waxed wrapping paper, in crates, in less than carloads, from Newberry, Pa., to Menasha, Wis., found unreasonable. Reparations awarded. Waiver of undercharges authorized.

American Tar Products Co. v. Alabama G. S. R. Co., 160 I. C. C. 651.

532. Rates on crude water-gas tar, in tank-car loads, from St. Louis, Mo., Frankfort, Kokomo, LaFayette, Fort Wayne, South Bend, Elkhart, and Michigan City, Ind., and Chicago, Ill., to Woodward, Ala., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Peppard & Fulton Co. v. Atlantic Coast Line R. Co., 160 I. C. C. 657.

533. Rates charged south of Jacksonville, Fla., on various kinds of machines and machinery, in straight carloads, and in carloads mixed with contractors' equipment and freight trailer wagons, from Manitowoc and Superior, Wis., Minneapolis, Minn., and Belle Rive, Ill., to Fort Myers and West Palm Beach, Fla., found inapplicable. Reparation awarded.

Cadillac Malleable Iron Co. v. Ann Arbor R. Co., 160 I. C. C. 661.

534. Rates of scrap iron, in carloads, from Chicago, Ill., to Cadillac, Mich., found unreasonable. Reasonable rate prescribed and reparation awarded.

Armstrong Cork Co. v. Union Pac. R. Co., 160 I. C. C. 665.

535. Rates charged on carload shipments of linoleum and felt-base floor coverings from certain points in western territory to Lancaster, Pa., found unreasonable. Reparation awarded.

536. Rates charged on carload shipments of said commodities from certain other points in the same territory to Lancaster found not unreasonable. Complaints in No. 21301 (Sub-Nos. 2, 3, 6, 8, and 10) dismissed.

Phillips Petroleum Co. v. Atchison, T. & S. F. Ry. Co., 160 I. C. C. 669.

537. Rates on structural iron and steel, in carloads, from points in Missouri, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, New York, Tennessee, and Alabama fabricated in transit at Muskogee, Okla., and reshipped to destinations in Texas located on the Panhandle & Santa Fe found unreasonable. Reparation awarded.

538. The commission has no power to require establishment of the through routes and joint rates sought.

Concrete Engineering Co. v. Baltimore & O. R. Co., 160 I. C. C. 675.

539. Rate charged on two carload shipments of steel floor arches from Milwaukee, Wis., to Cicero, Ill., found inapplicable. Reparation awarded.

Spears & Sons v. Chicago, B. & Q. R. Co., 160 I. C. C. 677.

540. Rates on unthreshed bluegrass seed from points in Missouri, Iowa, Kansas, Nebraska, and Illinois, to Paris, Ky., found not unreasonable or otherwise unlawful. Complaint dismissed.

Elliott Co. v. Chicago, R. I. & P. Ry. Co., 160 I. C. C. 683.

541. Rate on a less-than-carload shipment of expansion paving joints, loose, from Minneapolis, Minn., to Iowa City, Iowa, found unreasonable. Reparation awarded.

Class and commodity rates in the South, 160 I. C. C. 685.

542. Applications and petitions of the Central of Georgia and the Atlanta, Birmingham & Coast for relief from the long-and-short-haul provision of section 4 of the interstate commerce act on classes and commodities between various points on their continuous rails, denied.

543. Application of the Seaboard Air Line for authority to establish and maintain rates on fertilizers and fertilizer materials, in carloads, from Charleston, S. C., to points in that State without observing the maximum circuitry limitations prescribed in fourth-section order No. 9346, entered in connection with *Fertilizers between Southern Points*, 113 I. C. C. 389, denied.

Carolina Shippers Asso. v. Atlantic Coast Line R. Co., 160 I. C. C. 700.

544. Rates on strawberries and huckleberries, in carloads, from specified origins in North Carolina to Boston, Mass., and Providence, R. I., found unreasonable. Reasonable rates prescribed for the future. Reparation awarded.

Peninsula Produce Exchange v. Pennsylvania R. Co., 160 I. C. C. 711.

545. Total charges on strawberries, in carloads and less than carloads, moving under refrigeration from the Eastern Shore district of Maryland, Virginia, and Delaware to destinations in official territory and Canada found unreasonable for the future, and in certain instances unreasonable in the past. Reasonable basis of charges for the future prescribed. Reparation awarded.

546. Former report in No. 18176 and Sub-Nos. 1 and 2, 144 I. C. C. 55, modified as indicated herein.

Rudy-Patrick Seed Co. v. Abilene & Southern Ry. Co., 160 I. C. C. 725.

547. Rates on millet seed, in carloads, from and to points in western trunk-line and southwestern territories and Wyoming, Colorado, and New Mexico found unreasonable. Reasonable basis of rates prescribed. Reparation awarded.

California Fruit & Produce Co. v. Atchison, T. & S. F. Ry., 160 I. C. C. 733.

548. On further hearing, finding in previous report, 148 I. C. C. 285, that the rates on apples, pears, and peaches, in carloads, from points in Oregon and Washington to San Diego, Calif., are not unreasonable, affirmed.

549. The rates attacked on apples and pears from and to the same points are, however, found to be unduly prejudicial to San Diego and unduly preferential of Los Angeles, Calif., to the extent that they exceed the rates to the latter point by more than 3 cents per 100 pounds, reversing finding in previous report. Such undue prejudice and preference ordered removed.

North State Creosoting Co. v. Southern Ry. Co., 160 I. C. C. 741.

550. Upon reconsideration previous report 148 I. C. C. 667, amended, to include findings that the rate on creosote oil, in carloads, from Ensley, Ala., and points in the Birmingham, Ala., switching district to North Charlotte, N. C., was unreasonable to the extent indicated in this report. Reparation awarded.

Commodity rates to Tampa, 160 I. C. C. 743.

551. Applications for authority to establish or continue rates on various commodities from Ohio and Mississippi River crossings and Virginia cities to Tampa, Fla., without observing the long-and-short-haul provision of section 4 of the interstate commerce act, denied.

Leonard, Crosset & Riley v. Aransas Harbor T. Ry., 160 I. C. C., 746.

552. Upon further consideration, findings in former report, 155 I. C. C. 89, respecting rates on potatoes, in carloads, from certain points in Minnesota and North Dakota to destinations in Kansas and the Southwest, modified in part. Differentials over Sioux City, Iowa, slightly higher than those previously fixed prescribed for use on traffic to Kansas destinations.

Parkersburg Rig & Reel Co. v. Chicago, R. I. & P. Ry. Co., 160 I. C. C. 749.

553. Rates charged on three carloads of wooden bull-wheel arms, cants, and pins from Parkersburg, W. Va., to El Dorado, Ark., found unreasonable. Reparation awarded. Former report, 136 I. C. C. 632, reversed.

Clarkston Chamber of Commerce v. Northern Pac. Ry. Co., 160 I. C. C. 752.

554. Public convenience and necessity has not been shown to justify an order requiring the construction and operation of a rail-line extension from Lewiston, Idaho, to Homestead, Oreg.; or from Lewiston, Idaho, to Clarkston, Wash. Complaints dismissed.

Goldsamt v. American Ry. Express Co., 160 I. C. C. 780.

555. Carload rate on parsley shipped by express from Mercedes, Tex., to Chicago, Ill., and reconsigned to New York, N. Y., found applicable but unreasonable. Reparation awarded.

Simms Oil Co. v. Texas & Pac. Ry. Co., 160 I. C. C. 783.

556. Upon reconsideration, finding in former report, 153 I. C. C. 341, that the rate charged on boilers, in carloads, from Wortham, Tex., to Norphlet, Ark., was not unreasonable, reversed. Reparation awarded.

Interstate Commerce Commission v. Baltimore & O. R. Co., 160 I. C. C. 785.

557. Upon complaint and investigation, the Baltimore & Ohio Railroad Company found to have violated the Clayton Antitrust Act by the acquisition of capital stock of the Western Maryland Railway Company. Order entered requiring said Baltimore & Ohio Railroad Company to cease and desist from such violation and to divest itself of the stock so acquired.

Inland Waterways Corp. v. Northern Pac. Ry. Co., 160 I. C. C. 794.

558. Just, reasonable, and equitable divisions of the joint rail-barge-rail rates between Fargo, N. Dak., and points in Illinois, Indiana, Iowa, and Missouri, in connection with complainant's barge line between Dubuque, Iowa, and St. Paul and Minneapolis, Minn., prescribed for the future, and retroactive adjustment upon same basis since September 26, 1927, required.

Twin Cities and head of Lakes joint passenger train service, 161 I. C. C. 1.

559. Proposed continuance of joint passenger-train service between the Twin Cities and the head of the Great Lakes and division of earnings therefrom found to be in the interest of economy in operation, not unduly to restrain competition, and to be upon reasonable terms and conditions. Prior reports, 107 I. C. C. 493; 112 I. C. C. 403; 132 I. C. C. 413.

Indiana Bituminous Coal Operators Asso. v. Baltimore & O. R. Co., 161 I. C. C. 3.

560. Rates on bituminous coal, in carloads, from mines on the lines of certain carriers in the Brazil-Clinton, Linton-Sullivan, and Princeton groups in Indiana to Burlington, Iowa, found unreasonable and unduly prejudicial. Reasonable rates prescribed.

561. Record insufficient to justify findings upon the issue of divisions raised by cross complaint. Cross complaint dismissed.

Capital City Monument Works v. Baltimore & O. R. Co., 161 I. C. C. 13.

562. Rates on granite, in carloads, from Barre and Hardwick, Vt., to Berkeley Springs, W. Va., and since July 16, 1928, to Washington, D. C., found not unreasonable.

563. Rates on like shipments from the same points to Georgetown, D. C., and Rosslyn, Va., and prior to July 16, 1928, to Washington, found unreasonable. Reasonable rates prescribed and reparation awarded.

Farm or logging trucks or wagons, 161 I. C. C. 20.

564. Proposed increased alternative rates and reduced carload minimum on farm wagons and trucks within the Southwest and between points in the Southwest, on the one hand, and Mississippi River crossings and points in Illinois Freight Association and western trunk-line territories, on the other, found not justified. Suspended schedules ordered canceled and proceeding continued without prejudice to the filing of new schedules in accordance with the findings herein.

Presbrey-Leland Co. v. New York, N. H. & H. R. Co., 161 I. C. C. 25.

565. Rates on granite, rough quarried, or sawed on four sides or less; chiseled, dressed, hammered, or axed; carved, lettered, polished, or traced; and granite paving blocks, in carloads, from Brattleboro, West Dummerston, and Barre, Vt., Concord, N. H., and Westerly, R. I., to Woodlawn, N. Y., found unreasonable. Reasonable rates prescribed and reparation awarded.

Atlas Fuel Corp. v. Monongahela Ry. Co., 161 I. C. C. 31.

566. Rate on bituminous coal, in carloads, from Parker Run Mine, W. Va., to Erie Coal Docks, Buffalo, N. Y., there dumped into vessels, found unreasonable in part. Dumping charge at Erie Coal Docks found not unreasonable. Reparation awarded.

Little Rock Tent & Awning Co. v. Baltimore & O. R. Co., 161 I. C. C. 33.

567. First-class rates found applicable on waterproofed cotton duck, in less than carloads, from Cincinnati and Coshocton, Ohio, to Little Rock, Ark., but applicable rates found unreasonable. Reasonable rates prescribed and reparation awarded.

Humbarb Construction Co. v. Southern Ry. Co., 161 I. C. C. 38.

568. Rates on crushed stone, in carloads, from Hiddenite, N. C., to McConells and Clover, S. C., found unreasonable. Reasonable rates prescribed and reparation awarded.

Wrigley, Jr., Co. v. Aberdeen & Rockfish R. Co., 161 I. C. C. 41.

569. Ratings on chewing gum, in carloads, in official, southern, and western classifications found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Day & Night Water Heater Co. v. Southern Pac. Co., 161 I. C. C. 45.

570. Double first-class rating and rate on thermostatic valves, in less than carloads, from Youngwood, Pa., to Monrovia, Calif., found applicable but unreasonable prior to June 30, 1928. First-class rating and rate on like traffic from and to the same points found applicable and not unreasonable on and after June 30, 1928.

571. Defendants authorized to waive undercharges in excess of those computed at rate found reasonable.

Federated Metals Corp. v. Houston & T. C. R. Co., 161 I. C. C. 48.

572. Rate on scrap metals, in carloads, from Dallas, Tex., to St. Louis, Mo., found not unreasonable or otherwise unlawful. Shipments found not to have been misrouted. Complaint dismissed.

Interstate Cotton Oil Refining Co. v. Kansas City Southern Ry. Co., 161 I. C. C. 51.

573. Carload rate on lard substitute, from Sherman, Tex., to Peason, La., found to have been unreasonable. Reparation awarded.

American Mineral Spirits Co. v. Chicago, I. & L. Ry. Co., 161 I. C. C. 53.

574. Rate on naphtha in tank-car loads, from Wichita Falls and Electra, Tex., to Louisville, Ky., found not unreasonable or in violation of section 4. Complaint dismissed.

Foye Lumber Co. v. Alabama & N. W. R. Co., 161 I. C. C. 56.

575. Method used in obtaining scale weights of multiple-car shipments of yellow-pine piling from points in Alabama to Detroit and Wyandotte, Mich., Cleveland, Ohio, and Chicago, Ill., found not unreasonable, and charges based on the scale weights so obtained found not inapplicable. Complaint dismissed.

Northwestern Bottle Co. v. Chicago, I. & L. Ry. Co., 161 I. C. C. 60.

576. Carload rate on glass bottles from Marion, Ind., to Chattanooga, Tenn., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Fugazzi Bros. v. Carolina, C. & O. Ry., 161 I. C. C. 63.

577. Carload rate charged on one traction crane from Ravenna, Ohio, to Clearwater, Fla., found inapplicable. Reparation awarded.

Johnson, Drake & Piper v. Seaboard Air Line Ry. Co., 161 I. C. C. 65.

578. Rate charged on gravel, in carloads, from Montgomery, Ala., to Madison and Lee, Fla., found not unreasonable. Complaint dismissed.

Washington Dehydrated Food Co. v. Great Northern Ry. Co., 161 I. C. C. 67.

579. Carload rate on dried apples shipped for export from Omak, Wash., to New York, N. Y., found not unreasonable. Complaint dismissed.

Miller Construction Co. v. Baltimore & O. R. Co., 161 I. C. C. 69.

580. Rate on contractors' equipment, in carloads, from Punxsutawney, Pa., to Bowling Green, Ky., found unreasonable and in violation of section 4 of the interstate commerce act. Reparation awarded.

Moore Dry Kiln Co. v. Seaboard Air Line Ry. Co., 161 I. C. C. 71.

581. Rate on steel roofing, in carloads, from Economy, Pa., to Jacksonville, Fla., found inapplicable. Applicable rate not shown to be unreasonable. Reparation awarded.

Blackmer & Post Pipe Co. v. Wabash Ry. Co., 161 I. C. C. 74.

582. Rate on clay sewer pipe, in carloads, from St. Louis, Mo., to Nameoki, Ill., found not unreasonable. Complaint dismissed.

Lichford v. Southern Ry. Co., 161 I. C. C. 77.

583. Rate charged for the handling between ship side and cars at Charleston, S. C., of imported bananas, in carloads, destined thence to Lynchburg, Va., found applicable and not unreasonable. Complaint dismissed.

Standard Oil Co. v. Central R. Co. of N. J., 161 I. C. C. 79.

584. Rates on petroleum and petroleum products, in carloads, from Bayonne, Engloil, and Paulsboro, N. J., and Baltimore, Md., to Roanoke, Va., found unreasonable. Reparation awarded.

Central Commercial Co. v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 81.

585. Rates on fresh fruits and vegetables, in less than carloads, from Los Angeles, Calif., to Kingman, Chloride, Williams, Grand Canyon, Flagstaff, and Winslow, Ariz., found unreasonable. Other assailed rates found not unreasonable. Reasonable rates for the future prescribed and reparation awarded.

Acme Brick Co. v. Fort Smith & W. Ry. Co., 161 I. C. C. 85.

586. Carload rate on mortar color from Philadelphia, Pa., to Fort Smith, Ark., found unreasonable, but not otherwise unlawful. Reparation awarded.

Gilliland Oil Co. v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 87.

587. Rates on crude oil, in tank-car loads, from Kingsmill, Borger, and Pampa, Tex., to Albuquerque, N. Mex., found not unreasonable. Complaint dismissed.

Thornhill Wagon Co. v. Chesapeake & O. Ry. Co., 161 I. C. C. 90.

588. Carload rating on farm-wagon bodies shipped over defendants' lines between points in official territory found not unreasonable. Complaint dismissed.

Fruit Products Co. of Florida v. Atlantic Coast Line R. Co., 161 I. C. C. 92.

589. Rate on carload of canned grapefruit from Eagle Lake, Fla., to Toronto, Canada, found inapplicable. Applicable rate found not unreasonable. Reparation awarded.

Simmons Construction Co. v. Norfolk Southern R. Co., 161 I. C. C. 94.

590. Rate on gravel, in carloads, from Norfolk, Va., to Beaufort, N. C., found not unreasonable, and not shown to have been unjustly discriminatory. Complaint dismissed.

Opler v. Pennsylvania R. Co., 161 I. C. C. 97.

591. Charges collected or sought to be collected on cocoa, in bags, in carloads, from and to certain points in official classification territory found applicable, but unreasonable. Reparation awarded on certain shipments and waiver of collection of undercharges authorized as to others.

Independent Oil Co. v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 103.

592. Rates on natural gasoline, in tank-car loads, from named points in Oklahoma to Pittsburgh, Pa., found not unreasonable but found unreasonable from said points to Johnstown, Portage, and Altoona, Pa. Reasonable rates prescribed to Johnstown, Portage, and Altoona, and reparation awarded.

McDonald Construction Co. v. Seaboard Air Line Ry. Co., 161 I. C. C. 109.

593. Rate charged on one road roller and parts thereof from Springfield, Ohio, to Brooksville, Fla., found inapplicable. Reparation awarded.

Memphis Freight Bureau v. Chicago & N. W. Ry. Co., 161 I. C. C. 111.

594. Allegation that the rate charged on iron beds and related articles, in carloads, from Kenosha, Wis., to Memphis, Tenn., was inapplicable, found not sustained. Complaint dismissed.

Restriction of proportional rates, 161 I. C. C. 113.

595. Proposed restriction of proportional rates on cotton and knitting factory products from southeastern and Carolina points to Cairo, Ill., and other Ohio and Mississippi River crossings so as not to apply on traffic destined beyond in connection with barge lines, found not justified. Suspended schedules ordered canceled and proceedings discontinued.

Louisiana Southern Lumber Co. v. Gulf & Ship Island R. Co., 161 I. C. C. 117.

596. Carload shipments of lumber from D'Lo, Miss., to Kingston, N. Y., found to have been misrouted. Reparation awarded.

Blue Ridge Talc Co. v. Norfolk & W. Ry. Co., 161 I. C. C. 119.

597. Rates on ground refuse soapstone or talc, in carloads, from Henry, Va., to destinations in trunk-line and New England territories found not unreasonable or unduly prejudicial. Complaint dismissed.

New England Waste Co. v. Boston & M. R., 161 I. C. C. 124.

598. Rates on cotton waste materials, in carloads, from Revere, Mass., to points in eastern trunk-line territory, and from the same point to Boston, Mass., for export, not shown to be unreasonable or unduly prejudicial. Complaint dismissed.

Robinson Clay Product Co. v. Buffalo, R. & P. Ry. Co., 161 I. C. C. 127.

599. One carload of sewer pipe from Clearfield, Pa., to Berlin, N. H., found misrouted. Reparation awarded.

South Texas Cotton Oil Co. v. Southern Pac. Co., 161 I. C. C. 129.

600. Storage charges collected at New York, N. Y., on a shipment of cotton-seed oil from Houston, Tex., found to have been unreasonable, but not otherwise unlawful. Reparation awarded. Present charges found not unlawful.

Hogan v. Baltimore & O. R. Co., 161 I. C. C. 131.

601. Rates charged on two carloads of mine posts from Elizabeth, W. Va., to Ellsworth, Pa., and on one carload of mine posts from Elizabeth to Cokeburg, Pa., found inapplicable, and applicable rates found unreasonable. Shipment to Cokeburg found misrouted. Reparation awarded.

Iowa Fiber Box Co. v. Chicago, R. I. & P. Ry. Co., 161 I. C. C. 134.

602. Rates charged on one carload of corrugated fiber-board boxes, knocked down flat, from Keokuk, Iowa, to Urbanette, Ark., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Tri-State Traffic Co. v. Louisville & N. R. Co., 161 I. C. C. 137.

603. Carload rate on bananas from New Orleans, La., to Athens, Tenn., found unreasonable but not otherwise unlawful. Reparation awarded.

National Pole Co. v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 141.

604. Upon further hearing reparation awarded on account of unreasonable rates charged on cedar poles and piling transported on more than one car from points in Washington, Idaho, and Montana to points in various States. Previous reports, 55 I. C. C. 625, 144 I. C. C. 541.

Wells & Son v. Chicago, B. & Q. R. Co., 161 I. C. C. 145.

605. Refusal of defendant to deliver on its track opposite complainants' warehouse located within the switching limits of Keokuk, Iowa, carload traffic received from its connections with other rail carriers at that point, found to be a violation of its published tariff and of its duty under paragraph (4) of section 1 of the interstate commerce act, but not in violation of sections 2 and 6 of said act. Commission without jurisdiction to prescribe a remedy for either of said violations. Complaint dismissed.

Ashland Fruit Co. v. Chesapeake & O. Ry. Co., 161 I. C. C. 150.

606. Rate on sweet potatoes, in carloads, from Springville and Gibson, Tenn., to Ashland, Ky., found unreasonable. Reasonable rate from Gibson prescribed and reparation awarded.

Barrett Co. v. Wheeling & L. E. Ry. Co., 161 I. C. C. 153.

607. Rates on coal-tar oil, in tank-car loads, from Detroit, Mich., and Cincinnati and Toledo, Ohio, to Philadelphia, Pa., found unreasonable. Reasonable rates prescribed and reparation awarded.

Laughlin v. Aberdeen & Rockfish R. Co., 161 I. C. C. 157.

608. A general modification of our order of March 13, 1911, to permit the use on box or other house cars of running boards made of material other than wood found not justified by this record.

609. Order of March 13, 1911, modified to limited extent to permit for test purposes the use of box or other house cars equipped with running boards made of material other than wood.

610. Record held open to afford the parties an opportunity to submit evidence as to the results of the tests provided for under the limited modification made.

Norcross Marble Co. v. Baltimore & O. R. Co., 161 I. C. C. 164.

611. Finding in former report herein, 153 I. C. C. 105, that the sixth-class rate as applied to shipments of rough marble, in carloads, from New York, N. Y., to Cleveland, Ohio, which moved prior to February 27, 1923, was unreasonable to the extent that it exceeded the 25-cent rate contemporaneously in effect on rough marble, in carloads, from Boston, Mass., via New York Harbor to Cleveland, but not unreasonable or otherwise unlawful as to shipments moving on and after that date, modified upon reconsideration. Reparation awarded.

Thilmany Pulp & Paper Co. v. Nelson & A. Ry. Co., 161 I. C. C. 167.

612. Rate charged on one carload of crushed soapstone refuse from Lloyds Siding, Va., to Kaukauna, Wis., found inapplicable and shipment found misrouted. Reparation awarded.

Livestock from Arizona and New Mexico, 161 I. C. C. 169.

613. Proposed increased rates on livestock, in carloads, between El Paso, Tex., and points in Arizona and New Mexico and between points in New Mexico and Arizona found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules publishing the proposed reduced rates.

Wisconsin Bridge & Iron Co. v. Illinois Terminal Co., 161 I. C. C. 176.

614. Fifth-class rate on structural iron and steel, in carloads, from Pittsburgh, Carnegie, Munhall, and Woodlawn (Aliquippa), Pa., to Alton, Ill., fabricated in transit at North Milwaukee, Wis., found applicable and not unreasonable or otherwise unlawful.

615. Combination rate, to and from North Milwaukee, found applicable to like shipments originated on the Pennsylvania Railroad, and shipments were undercharged. Applicable rate found not unduly prejudicial but unreasonable in the past to extent indicated. Complaint dismissed.

Peninsula Exchange v. Aroostook Valley R. Co., 161 I. C. C. 181.

616. Rates on potatoes, in carloads, from Aroostook County, Me., to the Eastern Shore of Maryland and Virginia found unreasonable. Reasonable rates prescribed and reparation awarded.

Milne Lumber Co. v. Michigan Central R. Co., 161 I. C. C. 185.

617. Demurrage charges collected on one carload of lumber at Detroit, Mich., found inapplicable in part. Reparation awarded.

618. Demurrage charges collected on one carload of lumber at Detroit, Mich., found inapplicable in part. Team-track storage charges collected found applicable. Reparation awarded.

Eastern Mfg. Co. v. Genesee & W. R. Co., 161 I. C. C. 194.

619. Rates charged on rock salt, in carloads, from Halite, N. Y., to South Brewer, Me., found applicable, but on shipments delivered, or tendered for a delivery, since June 27, 1925, unreasonable and violative of the aggregate-of-intermediates provision of section 4 of the interstate commerce act. Reparation awarded.

Noonan-Lawrence v. Seaboard Air Line Ry. Co., 161 I. C. C. 199.

620. Rate and switching charge on gravel, in carloads, from Montgomery, Ala., to Perkins, Fla., found not unreasonable. Complaint dismissed.

Wayne Lumber Co. v. Boston & M. R., 161 I. C. C. 201.

621. Carload shipment of lumber from Northville, N. Y., to Maplewood, Mass., found to have been misrouted, but complainants not shown to have been damaged thereby. Rate charged found unreasonable but not otherwise unlawful. Reasonable rate prescribed and reparation awarded.

American Thread Co. v. New York, N. H. & H. R. Co., 161 I. C. C. 204.

622. Rates on cotton, compressed in bales, any quantity, from Holyoke and Watuppa, Mass., and Willimantic, Conn., to Dalton, Ga., found not unjustly discriminatory or unduly prejudicial but unreasonable. Waiver of certain undercharges authorized and reparation awarded.

Through routes and joint rates, 161 I. C. C. 207.

623. Upon reconsideration, original findings modified so as to require establishment of through rail-barge-rail routes and joint rates on clean rice, in carloads, from Lonoke and certain other points in Arkansas to Battle Creek, Mich. Former order amended. Prior reports, 153 I. C. C. 129 and 156 I. C. C. 141.

State of Connecticut v. New York, N. H. & H. R. Co., 161 I. C. C. 211.

624. Interstate rates on tidewater bituminous coal, in carloads, from ports served by the New York, New Haven & Hartford Railroad Company, Central Vermont Railway, and Boston & Albany Railroad to local destinations on those lines in New England found unreasonable. Reasonable basis of rates prescribed for the future.

Milne Lumber Co. v. Detroit, T. & I. R. Co., 161 I. C. C. 237.

625. Demurrage charges collected for detention of a carload of lumber at Detroit, Mich., found inapplicable in part. Switching charges collected found applicable. Reparation awarded.

626. Charges collected for detention of a carload of lumber at Detroit Mich., found not inapplicable as alleged. Complaint dismissed.

Milne Lumber Co. v. Chicago & N. W. Ry. Co., 161 I. C. C. 246.

627. Demurrage and track-storage charges assessed on a carload of lumber at Chicago, Ill., found applicable in part. Reparation awarded.

628. Demurrage charges assessed on a carload of lumber at Detroit, Mich., found applicable. Complaint dismissed.

American Hide & Leather Co. v. Boston & M. R., 161 I. C. C. 255.

629. Upon further hearing rate on leather, in carloads, from Ballston Spa, N. Y., to Manchester, N. H., found not unreasonable prior to August 19, 1926. Original report, 152 I. C. C. 313, modified.

Hallsboro Mfg. Co. v. Atlantic Coast Line R. Co., 161 I. C. C. 256.

630. On reconsideration, finding in original report, 157 I. C. C. 124, that rates on excelsior, in carloads, from Hallsboro, Norfolk, Portsmouth, Richmond, Petersburg, Ashland, and Jarratt, Va., to Louisville, Ky., St. Louis, Mo., and Cincinnati, Cleveland, and Columbus, Ohio, were unreasonable, modified. Reasonable rates for the future prescribed.

St. Louis Cooperage Co. v. Baltimore & O. R. Co., 161 I. C. C. 258.

631. Upon reconsideration, findings in former report, 155 I. C. C. 1, that certain carload shipments of slack empty wooden barrels, from St. Louis, Mo., to Lawrenceville, Ill., were not misrouted, reversed. Reparation awarded.

Union Bag & Paper Corp. v. Delaware & H. Co., 161 I. C. C. 261.

632. Rates charged on paper shopping bags, in mixed carloads with other paper bags, from Hudson Falls, N. Y., to Chicago, Ill., Baltimore, Md., and New York, N. Y., found inapplicable. Applicable rates found not unreasonable. Reparation awarded.

633. Proposed restriction of commodity description "Bags, Paper" so as to exclude paper shopping bags, leaving class rates applicable on the latter, in less than carloads and carloads, from Fort Edward, N. Y., and other points on the Delaware & Hudson to Baltimore, Md., and other destinations on the Western Maryland, found justified.

Phoenix Construction Co. v. Beaumont, S. L. & W. Ry. Co., 161 I. C. C. 266.

634. Upon reconsideration, finding in former report, 152 I. C. C. 54, that the rates charged on numerous commodities moving interstate between various points in Texas and various points in Arkansas and Louisiana, were unreasonable, affirmed.

Silica sand from points in Illinois, 161 I. C. C. 269.

635. Proposed increased rates on silica sand from the Ottawa district in Illinois to Marion, Ohio, and to points on the Erie between Marion and the Indiana-Ohio State line, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

United Paperboard Co. v. Boston & M. R., 161 I. C. C. 271.

636. Rate charged on alum, in carloads, from Erie, Pa., to Thomson, N. Y., found unreasonable. Reasonable rate for the future prescribed and reparation awarded.

State Corp. Comm. of Virginia v. Aberdeen & Rockfish R. Co., 161 I. C. C. 273.

637. Upon further hearing, class rates and charges from points in Virginia in southern territory to destinations in North Carolina found reasonable.

638. Intrastate rates and charges in North Carolina on traffic of the same nature as that which moves from Virginia to North Carolina on class rates found unduly prejudicial to shippers and localities in Virginia in southern territory, unduly preferential of shippers and localities in North Carolina, and unjustly discriminatory against interstate commerce.

639. Undue prejudice and preference and unjust discrimination ordered removed. Former report, 136 I. C. C. 173.

Federated Metals Corp. v. Pennsylvania R. Co., 161 I. C. C. 287.

640. Upon reconsideration finding in former report herein, 157 I. C. S. 242, that rates on spelter, in carloads, from Trenton, N. J., to points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, Missouri, Wisconsin, West Virginia,

Virginia, Kentucky, and Tennessee were unduly prejudicial to Trenton and unduly preferential of Palmerton, Pa., but not otherwise unlawful, modified. Complaint dismissed.

641. Fourth-section relief granted until date of order to be entered in No. 15879.

Southwestern Milling Co. v. Chicago, R. I. & P. R. Co., 161 I. C. C. 291.

642. Upon reconsideration finding in former report herein, 148 I. C. C. 145, that aggregate charges assessed on wheat, in carloads, shipped from points on the Chicago, Rock Island & Pacific in Kansas and Oklahoma to complainant's plant at Kansas City, Kans., there milled into flour, and the product moved in switching service to industries at Kansas City, Mo., were unduly prejudicial but not otherwise unlawful, affirmed.

643. Finding awarding reparation and authorizing adjustment of outstanding switching charges to the basis found nonprejudicial, reversed. Reparation denied.

International Filter Co. v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 295.

644. Rate charged on a carload of sand from Red Wing, Minn., to Stillwater, Okla., found unreasonable, but not otherwise unlawful. Reparation awarded.

Wickes Boiler Co. v. Pere Marquette R. Co., 161 I. C. C. 298.

645. Rates charged on steam boilers and fixtures, in carloads, from Saginaw, Mich., to Oshkosh and Kaukauna, Wis., found applicable and as to Kaukauna not unreasonable. Complaint dismissed.

Dunn Mfg. Co. v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 301.

646. Rates on pipe, tongs, pipe or tubing elevators, tubing stops, tubing catchers, and parts, in less than carloads, between Oxnard, Calif., and certain points of origin and destination in Colorado, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Kentucky, Michigan, Ohio, West Virginia, and Pennsylvania, and on pipe tongs, pipe and tubing elevators, and parts thereof, in less than carloads, from Los Angeles, Calif., to Houston, Beaumont, and Luling, Tex., found not unreasonable or unduly prejudicial. Complaints dismissed.

Martin Broom & Mop Co. v. Pennsylvania R. Co., 161 I. C. C. 305.

647. Rate on broomcorn, in carloads, from Strong City, Okla., to Louisville, Ky., found applicable, and not unreasonable. Complaint dismissed.

Balceron Coal Co. v. Bessemer & Lake Erie R. Co., 161 I. C. C. 307.

648. Carload charges collected on bituminous coal from Benicoll and Coverdale, Pa., to Rochester, N. Y., found unreasonable. Reparation awarded.

Tulsa Traffic Assoc. v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 309.

649. On further consideration, original findings modified to the extent of finding the carload rate on rig irons from Tulsa, Okla., to Fort Collins, Colo., unreasonable. Reasonable rate prescribed for the future, and reparation awarded. Former report, 152 I. C. C. 775.

Detroit Steel Corp. v. Akron, C. & Y. Ry. Co., 161 I. C. C. 311.

650. Rates on iron and steel articles, in carloads, from points in Pennsylvania, West Virginia, Ohio, Indiana, and Illinois to Detroit, Mich., found not unreasonable, but found unduly prejudicial, in the past.

651. No findings or order for the future necessary because of the decision in *Iron and Steel Articles*, 155 I. C. C. 517.

Keystone Steel & Wire Co. v. Chicago & A. R. Co., 161 I. C. C. 317.

652. Rates charged on iron and steel articles, in carloads, from and to designated points principally in central territory found not unreasonable or otherwise unlawful. Complaints dismissed.

653. No findings or order for the future necessary because of conclusions and determinations in *Iron and Steel Articles*, 155 I. C. C. 517.

Lumber and other forest products, 161 I. C. C. 321.

654. Proposed reduced rates on lumber and other forest products, in carloads, from producing points in Oregon, Washington, Idaho, and Montana, to destinations in the Southwest found not unreasonably low and not unduly prejudicial. Order of suspension vacated and proceeding discontinued.

Scrap iron or scrap steel stopped in transit, 161 I. C. C. 332.

655. Finding in prior report that respondents had justified proposed rule for stopping carloads of scrap iron or scrap steel in transit for handling sorting, and storing at Minneapolis, Minnesota Transfer, and St. Paul, Minn., and reforwarding to Duluth and Steelton, Minn., and Superior, Wis., on basis of through rates from certain interstate origins to destinations, plus 2.5 cents per 100 pounds, affirmed. Prior report, 155 I. C. C. 285.

Illinois Coal Traffic Bureau v. Arkansas Valley I. Ry. Co., 161 I. C. C. 337.

656. Rates on bituminous coal, in carloads, from the southern Illinois coal district to destinations in Missouri, Iowa, Kansas, and Nebraska found not unduly prejudicial, but reasonable. Reasonable rates prescribed for the future.

657. Failure to maintain uniform screening specifications and rates on small sizes of prepared coal and on fine coal the same percentage or the same amount lower than the rates maintained on lump coal from coal districts in Illinois, Missouri, Arkansas, Oklahoma, Kansas, New Mexico, Colorado, and Wyoming to destinations in Iowa, Missouri, Kansas, and Nebraska found not unduly prejudicial.

Interstate rates on coal to East St. Louis, 161 I. C. C. 371.

658. Findings in previous report, 142 I. C. C. 95, in respect of rates on bituminous coal, in carloads, from mines in the Belleville, Du Quoin, Chicago & Illinois Midland, and southern Illinois groups in Illinois, and in the western Kentucky group, to St. Louis, Mo.; and from mines in the inner portion of the Belleville group, Du Quoin, Chicago & Illinois Midland, and southern Illinois groups to East St. Louis, Ill., affirmed.

659. Rates on bituminous coal, in carloads, from the Belleville and southern Illinois groups to St. Louis, Mo., prior to June 28, 1928, found not unreasonable. Complaints in Nos. 20613, 21155, and 21047 and subnumbers dismissed.

Iron and steel articles, 161 I. C. C. 386.

660. Upon reconsideration, findings in former report, 155 I. C. C. 517, modified (a) to eliminate the requirement that where both origin and destination are on a single line, the rate for the actual distance must not be exceeded; (b) to authorize observance of the rates between points within New England and New England border points as minima in constructing interterritorial rates between New England and trunk-line territory over direct routes.

Absorption of loading charge on petroleum, 161 I. C. C. 389.

661. Proposed allowance by the Midland Valley toward the expense of maintaining loading crews, pipe-line carrying charges, and other costs incident to maintaining loading racks on the Midland Valley, to certain shippers of petroleum and its products at Tulsa, Okla., having loading racks also on the St. Louis-San Francisco, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Union Tank & Pipe Co. v. Southern Pac. Co., 161 I. C. C. 393.

662. Reparation awarded on shipments of welded and riveted steel pipe from Los Angeles to Texas and Oklahoma destinations because of straight overcharges. Rates in issue found not unreasonable or unduly prejudicial.

Memphis Freight Bureau v. Abilene & Southern Ry. Co., 161 I. C. C. 397.

663. Refrigeration charges assailed on fruits, melons, and vegetables from points in Texas to Memphis, Tenn., found not unreasonable or unduly prejudicial. Complaints dismissed.

Southeastern Plate Glass Co. v. St. Louis-S. F. Ry. Co., 161 I. C. C. 402.

664. Carload rate on plate glass from Crystal City, Mo., to Montgomery, Ala., found unreasonable. Reasonable rate for the future prescribed and reparation awarded.

Ozark Cider & Vinegar Co. v. Missouri & N. A. Ry. Co., 161 I. C. C. 405.

665. Rate on vinegar, in carloads, from Springdale, Ark., to Harrison, Ark., over an interstate route, found not unreasonable.

666. Rates charged on vinegar, in carloads, from Rogers and Springdale, Ark., to Berryville, Kensett, and Searcy, Ark., over interstate route, stopped in transit to partially unload at intermediate points on the Missouri & North Arkansas, found unreasonable. Reparation awarded and reasonable transit arrangements prescribed for the future.

Arizona Grocery Co. v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 409.

667. Rate on sugar, in carloads, from San Francisco and Crockett, Calif., to Flagstaff, Ariz., found unreasonable. Reparation awarded.

Lincoln Mfg. Co. v. Cincinnati, I. & W. R. Co., 161 I. C. C. 411.

668. Rating and rate on cast-iron transmission cases, in the rough, in bags, in less than carloads, from Decatur, Ill., to Connersville, Ind., found not unreasonable. Complaint dismissed.

Held v. Cleveland, C., C. & St. L. Ry. Co., 161 I. C. C. 413.

669. One carload of lumber from Prentice, Ala., to Fraser, Mich., found overcharged. Reparation awarded.

Euler Lumber Co. v. Missouri Pac. R. Co., 161 I. C. C. 415.

670. Rate charged on one carload of yellow-pine lumber from Malvern, Ark., to Kittanning, Pa., found inapplicable. Reparation awarded.

Schaefer-Thompson Construction Co. v. Chicago & N. W. Ry. Co., 161 I. C. C. 417.

671. Rates charged on nine carloads of crushed granite from Lohrville, Wis., to Mount Clemens, Mich., found inapplicable. Reparation awarded.

Zimmerman v. Louisville & Nashville R. Co., 161 I. C. C. 419.

672. Rate charged on a carload of glazed and unglazed tile from Covington, Ky., to New Orleans, La., found applicable. Complaint dismissed.

Long-Bell Lumber Co. v. Mobile & O. R. Co., 161 I. C. C. 421.

673. Rates charged on shipments of lumber, in carloads, from Quitman and Crandall, Miss., to points north of the Ohio River and east of the Mississippi River, found inapplicable. Reparation awarded.

Frances Oil Co. v. Denver & R. G. W. R. Co., 161 I. C. C. 424.

674. Rates charged on secondhand oil-well supplies, and well casings, in carloads, from Wamsutter, Wyo., to Thompson, Utah, found unreasonable. Reparation awarded.

Raymond Granite Co. v. Chicago & E. R. Co., 161 I. C. C. 427.

675. Rate charged on a carload of iron or steel chilled shot from Mansfield, Ohio, to Knowles, Calif., found applicable. Applicable rate found unreasonable, but not otherwise unlawful. Reasonable rate prescribed and waiver of undercharges authorized.

Amicon Fruit Co. v. Atlantic Coast Line R. Co., 161 I. C. C. 431.

676. Rate on fresh vegetables, in carloads, from Atkinson, N. C., to Bluefield, W. Va., found not unreasonable.

677. Rate on strawberries, in carloads, from Atkinson to Bluefield, found unreasonable. Reasonable rate prescribed and reparation awarded.

McCord Radiator & Mfg. Co. v. Aberdeen & Rockfish R. Co., 161 I. C. C. 435.

678. Any-quantity ratings and rates on gaskets and washers made of copper, asbestos, paper, and pulpboard, and copper and asbestos combined, from Wyandotte (Detroit), Mich., to destinations in the three classification territories, found not unreasonable or unduly prejudicial. Complaint dismissed.

Corray Bros. v. Baltimore & O. R. Co., 161 I. C. C. 439.

679. Rates on coal, in carloads, from mines in the Brazil-Clinton, and Linton-Sullivan groups in Indiana, to Champaign and Urbana, Ill., found unreasonable. Reparation awarded.

Baker & Holmes Co. v. Seaboard Air Line Ry. Co., 161 I. C. C. 441.

680. Carload of cement plaster from Agatite, Tex., to Jacksonville, Fla., re-consigned to St. Petersburg, Fla., thence re-consigned to Ewing, Fla., found misrouted. Reconsignment charge at Jacksonville found unreasonable. Reparation awarded.

Plunkett-Webster Lumber Co. v. New York Central R. Co., 161 I. C. C. 444.

681. Charge for reconsignment at Sunbury, Pa., on one carload of lumber from Conasauga, Tenn., to Harrisburg, Pa., diverted to Sunbury, thence re-consigned to Oneida, N. Y., found unreasonable. Reparation awarded.

Regulations for transportation of explosives, 161 I. C. C. 445.

682. Proposed specifications for construction of multiple-sphere tank cars to be used for transportation of helium gas at a pressure of 2,000 pounds per square inch not shown to be in accord with the best known means for securing safety in transit. Approval is therefore withheld.

Brown Roberts Hardware & Supply Co. v. Louisiana & A. Ry. Co., 161 I. C. C. 460.

683. Rate on iron strap hinges, not spring, in carloads, from St. Louis, Mo., to Alexandria, La., not shown to have been or to be unreasonable or otherwise unlawful. Complaint dismissed.

Cotton from Demopolis, 161 I. C. C. 463.

684. Proposed reduced rate on cotton, in carloads, from Demopolis, Ala., to Pensacola, Fla., domestic and export, found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules in accordance with our conclusions herein. Proceeding discontinued.

Reciprocal switching charges, 161 I. C. C. 469.

685. Proposed increased reciprocal switching charges at Mount Vernon, Ind., found justified. Order of suspension vacated and proceeding discontinued.

Crushed stone, limestone, and screenings, 161 I. C. C. 473.

686. Proposed increased and reduced rates on crushed stone, limestone, screenings, and related commodities, in carloads, from certain northwestern Ohio points to Detroit, Mich., found justified. Order of suspension vacated and proceeding discontinued.

Gravel, Sand, and Strippings, 161 I. C. C. 477.

687. Proposed reduced rate on torpedo sand, gravel, and strippings, in carloads, from Spaulding, Munger, Ingalt, and West Chicago, Ill., to Hobart, McCool, Crocker, and Porter, Ind., found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules in conformity with the findings herein.

Wells Lumber Co. v. Chicago & N. W. Ry. Co., 161 I. C. C. 481.

688. Interstate rates on locomotives on their own wheels, but not under their own power, between points in Michigan, found unreasonable. Reasonable rates prescribed and reparation awarded.

Pfaltzgraff Pottery Co. v. Reading Co., 161 I. C. C. 485.

689. Rate on clay, in carloads, from Port Reading, N. J., to York, Pa., found not unreasonable. Complaint dismissed.

Furnace or Foundry Limestone, 161 I. C. C. 486.

690. Proposed increased rate on furnace or foundry limestone, in carloads, from Hillsville and other points in western Pennsylvania to Youngstown and other points in eastern Ohio, found justified. Order of suspension vacated and proceeding discontinued.

Smith Agency v. Atlantic Coast Line R. Co., 161 I. C. C. 493.

691. Original report, 160 I. C. C. 61, corrected.

Moyer & Co. v. Illinois Central R. Co., 161 I. C. C. 494.

692. Rates on green-salted hides, in carloads, from Memphis, Tenn., to Fort Wayne, Ind., found not unreasonable or unduly prejudicial. Complaint dismissed.

Meridian Traffic Bureau v. Alabama G. S. R. Co., 161 I. C. C. 497.

693. Upon further consideration, findings in the original report herein, 159 I. C. C. 435, that rates on peanuts, shelled or not shelled, salted or not salted, in carloads and less than carloads, from points in Virginia and North Carolina to Meridian, Miss., were not unreasonable or unjustly discriminatory, but unduly prejudicial, modified as to less-than-carload traffic. Supplemental order entered.

American Medicinal Spirits Co. v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 499.

694. Rates on whisky, in carloads, from Louisville, Ky., to Los Angeles and San Francisco, Calif., found not unreasonable. Complaint dismissed.

Milwaukee Elec. Crane & Mfg. Corp. v. Atlantic Coast Line R. Co., 161 I. C. C. 501.

695. Upon reconsideration rate charged on one traveling crane, and parts, from West Allis, Wis., to Avon Park, Fla., found applicable. Complaint dismissed. Original report, 157 I. C. C. 417, reversed.

Coltezo Corp. v. Arkansas & L. M. Ry. Co., 161 I. C. C. 502.

696. Rates on secondhand structural iron and steel and certain other second-hand iron and steel articles obtained from dismantled carbon-black houses, in carloads, from points in Louisiana to destinations in Texas found not unreasonable. Complaint dismissed.

Phoenix Utility Co. v. Pennsylvania R. Co., 161 I. C. C. 507.

697. Rates charged on steel plate water tanks, in carloads, from Warren, Pa., to Miami and Sanford, Fla., found not unreasonable. Complaint dismissed.

Amer. Cotton Waste & Linter Exch. v. Baltimore & O. R. Co., 161 I. C. C. 509.

698. Rates assessed and ratings applied on shredded rags, in carloads and less than carloads, from Glendale, N. Y., and Philadelphia, Pencoyd, and Manayunk, Pa., to Boston, Fall River, Fitchburg, Indian Orchard, and Springfield, Mass., Rahway and Jersey City, N. J., Brighton and Cincinnati, Ohio, Philadelphia, Chester, and Swissvale, Pa., Chicago, Ill., Milwaukee, Wis., and Charlotte, N. C., found inapplicable. Applicable rates and ratings not shown to be unreasonable. Refund of overcharges directed. Complaint dismissed.

Peyton Packing Co. v. Abilene & Southern Ry. Co., 161 I. C. C. 512.

Upon further hearing:

699. Rates on green-salted hides, in carloads, from El Paso, Tex., to Los Angeles and San Francisco, Calif., and points taking the same rates, found not unreasonable or otherwise unlawful.

700. Rates on the same commodity from El Paso to Kansas City and St. Louis, Mo., and Chicago, Ill., and points basing thereon, found not unreasonable but unduly prejudicial.

701. Rates on glue stock, in carloads, from El Paso to Chicago, St. Louis, Memphis, Tenn., and New Orleans, La., found unreasonable.

702. Rates on soap stock, tankage, dried blood, edible and inedible tallow, in carloads, from El Paso to points in California found unreasonable. Reparation denied.

703. Rates on tin cans, in carloads, from Kansas City, St. Louis, and New Orleans, and points taking rates related thereto to El Paso found not unreasonable or unduly prejudicial.

704. Former report, 122 I. C. C. 3, modified in part.

Heywood-Wakefield Co. v. Ann Arbor R. Co., 161 I. C. C. 527.

705. Carload and less-than-carload ratings in official, southern, and western classifications on rattan found unreasonable for the future but not unreasonable in the past.

706. Carload ratings in official, southern, and western classifications on rattan reeds and in official and western classifications on rattan splints found unreasonable for the future but not unreasonable in the past.

707. Less-than-carload ratings in official, southern, and western classifications on rattan reeds and splints in packages exceeding 12 feet in greatest dimension found not unreasonable, but corresponding ratings on same commodities in shorter packages found unreasonable for the future only.

708. Less-than-carload ratings in official, southern, and western classifications and carload rating in official classification on woven paper fabric found not unreasonable, but carload ratings for same commodity in southern and western classifications found unreasonable for the future only.

709. Any-quantity ratings in official, southern, and western classifications on cane webbing found not unreasonable. Complaint dismissed.

710. Allegations of undue prejudice in connection with the ratings assailed found not sustained.

Grain from Wabash Ry. stations, 161 I. C. C. 535.

711. Proposed schedules canceling the participation of the Detroit, Toledo & Ironton in rates on grain, grain products, and grain by-products from stations on the Wabash east of the Mississippi River and west of Detroit, Mich., to Toledo, Ohio, Detroit, and points grouped therewith, found justified. Suspension order vacated and proceeding discontinued.

Burkett & Co. v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 540.

712. Rates on refined petroleum oils, in tank-car loads, from points in Kansas, Oklahoma, and Texas to certain destinations in Colorado found not unreasonable. Complaint dismissed.

General Outdoor Advertising Co. v. Charleston & W. C. Ry. Co., 161 I. C. C. 545.

713. Third-class rating and rates applied under the southern classification on bill-board sections, in carloads, from New Castle, Ind., to Atlanta, Ga., found unreasonable. Waiver of certain undercharges authorized, and reparation awarded.

Watkins-Cottrell Co. v. Baltimore & O. R. Co., 161 I. C. C. 548.

714. One shipment of parkeycles, in a mixed carload with children's vehicles, from Toledo, Ohio, to Richmond, Va., found misrouted. Rate charged found inapplicable over route of movement. Applicable rate over that route and over route shipment should have moved found unreasonable. Reparation awarded.

Davidson Granite Co. v. Georgia R., 161 I. C. C. 551.

715. Rate on granite curbing, in carloads, from Lithonia, Ga., to Luverne, Ala., found unreasonable. Reparation awarded.

Ohio Salt Co. v. Baltimore & O. R. Co., 161 I. C. C. 553.

716. Rates on bituminous coal, in carloads, from certain West Virginia mines to Rittman, Ohio, found not unjustly discriminatory. Complainant not shown to have been damaged by any undue prejudice which may have existed. Complaint dismissed.

Cantaloupes and melons from Calif., 161 I. C. C. 555.

717. Proposed change in classification of cantaloupes and melons, in carloads, from class C to fifth class from producing points in Arizona, California, and Nevada to transcontinental destinations, Groups A to J, inclusive, and the publication thereon of the present class C rates as commodity rates from and to the same points found not justified. Suspended schedules ordered canceled and proceedings discontinued.

Snyder v. Erie R. Co., 161 I. C. C. 561.

718. Finding in original report, 146 I. C. C. 619, that a carload of apples from Lake Ariel, Pa., to Jacksonville, Fla., had been misrouted by the Southern reversed. Complaint dismissed.

Williams & Haney v. Abilene & Southern Ry. Co., 161 I. C. C. 563.

719. Rates on potatoes, other than sweet, in carloads, from points in the Kaw Valley in Kansas to destinations in Oklahoma and Texas, found unreasonable. Reparation awarded.

L. E. K. Oil Co. v. Central R. Co. of N. J., 161 I. C. C. 569.

720. Rate on petroleum products, in tank-car loads, from Bayonne, Bayway, Carteret, and Warners, N. J., to Garden City, N. Y., found not unreasonable. Complaint dismissed.

Ayer & Lord Tie Co. v. Western Ry. of Ala., 161 I. C. C. 571.

721. Through charges on forest products, in carloads, from points in Alabama, Mississippi, and Louisiana, west and south of Montgomery, Ala., stopped at Montgomery for creosoting or other preservative treating, and reshipped to destinations in southern and official territory, east and north of Montgomery, found unreasonable. Reasonable rates plus a transit charge prescribed for the future.

Blue Grass Flooring Co. v. Louisiana & A. Ry. Co., 161 I. C. C. 574.

722. Rate of gum lumber, in carloads, from Jonesville, La., to Shawanee, Ky., found inapplicable. Applicable rate found not unreasonable. Reparation awarded.

Wolff Packing Co. v. Arkansas Western Ry. Co., 161 I. C. C. 577.

723. Upon reconsideration finding in previous report, 146 I. C. C. 141, in which reasonable and nonprejudicial rates on fresh meats and packing-house products, in peddler-car quantities, from Topeka, Kans., to destinations in Oklahoma, Texas, New Mexico, Arkansas, and Louisiana were prescribed, affirmed.

Bigelow-Hartford Carpet Co. v. New York, N. H. & H. R. Co., 161 I. C. C. 581.

724. Rate on bituminous coal, in carloads, from East Providence Wharf, Fox Point, South Providence, and Harbor Junction Wharf, R. I., to Clinton, Mass., found unreasonable. Reparation awarded.

725. Switching charge of the Boston & Maine Railroad at Clinton found not unreasonable.

726. Assessment of switching charge, in addition to the line-haul rate, on carload shipments of bituminous coal from the above-named points of origin to Clinton found not unreasonable.

Classification rating on candy, 161 I. C. C. 587.

727. Proposed increased less-than-carload ratings in southern classification on candy and confectionery, n. o. i. b. n., on chocolate coating and on peanut coating, found justified, but proposed increased carload ratings on those commodities found not fully justified. Suspended schedules ordered canceled and proceedings discontinued.

Armour & Co. v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 595.

728. Upon further hearing, rates on crude glycerine, in tank-car loads from Los Angeles, Calif., to Chicago, Ill., found to have been unreasonable. Reparation awarded. Previous decision, 147 I. C. C. 454, reversed.

Legel Oil & Gas Co. v. Chicago & N. W. Ry. Co., 161 I. C. C. 599.

729. Rates on petroleum products, in carloads, from points in the midcontinent field and Wyoming to destinations in South Dakota found not unreasonable or otherwise unlawful, except rates from the midcontinent field found unreasonable and in violation of the fourth section to the extent indicated in report. Reparation awarded on past shipments, and reasonable rates prescribed for the future to certain destinations.

Iron and steel articles, 161 I. C. C. 608.

730. Upon reconsideration with respect to the application of alternative rates on bars, plates, and shapes, subject to a carload minimum of 80,000 pounds, finding in original report, 155 I. C. C. 517, denying alternative rates, affirmed.

Chase & Co. v. New York Central R. Co., 161 I. C. C. 614.

731. Rates and charges collected on shipments of citrus fruits from Eloise and Auburndale, Fla., to Syracuse, N. Y., ordered reconsigned to Boston, Mass., found inapplicable but not otherwise unlawful. Reparation awarded.

Leonard Crosset & Riley v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 620.

732. Upon reconsideration, finding in original report herein, 128 I. C. C. 225, that the rates on cabbage and potatoes, in carloads, from the lower Rio Grande Valley of Texas to Cincinnati, Ohio, had been and for the future would be unreasonable and unduly prejudicial, modified with respect to the points of origin embraced in this proceeding. Reparation awarded.

733. Fourth-section relief denied.

Oyster Shells in southern territory, 161 I. C. C. 623.

734. Proposed changes in rates and relationships of rates on oyster shells, crushed and ground or not crushed or ground, in carloads, from south Atlantic and Gulf ports to Ohio and Mississippi River crossings, Mississippi Valley points, and southeastern points found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules in accordance with the views herein expressed.

735. Rates on the same commodities from South Atlantic ports to Arkansas and central and western trunk-line territories found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates for the future prescribed.

Greater Muskegon Chamber of Commerce v. Pere Marquette Ry. Co., 161 I. C. C. 634.

736. Rate charged on three shipments of foundry core-oven racks, in carloads, from Kenosha, Wis., to Muskegon, Mich., found inapplicable. Applicable rate found unreasonable, but not unjustly discriminatory. Waiver of undercharges authorized. Complaint dismissed.

Newsprint paper to Detroit, 161 I. C. C. 637.

737. Rates charged on newsprint paper, in carloads, from Iroquois Falls and Sturgeon Falls, Ontario, Canada, and Three Rivers, Quebec, Canada, to Detroit, Mich., were applicable.

738. Prior to July 25, the rates charged to Detroit exceeded the rates to Martins Ferry, Ohio, a farther-distant point over the same route.

739. The Michigan Central's failure to publish rates from points on the international boundary to Detroit violated section 6 of the act.

740. The rates charged were not unreasonable.

741. This commission is without jurisdiction to prescribe rates from or to points in Canada.

742. Reparation should be denied. Complaint dismissed.

Allied Packers v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 641.

743. Upon reargument finding in former report, 144 I. C. C. 377, that certain charges for handling livestock at Buffalo stockyards, Buffalo, N. Y., were not subject to the jurisdiction of the commission, reversed. Such charges found illegal and unreasonable. Reparation awarded.

Imported fertilizer materials, 161 I. C. C. 649.

744. Proposed rates on imported fertilizer materials from the south Atlantic and Gulf ports to southern territory, to the Ohio River, and to points north thereof, made generally on the basis of the domestic rate from the rate-making port with partial port equalization from competing ports, found justified except in certain respects. Order entered requiring cancellation of the suspended schedules without prejudice to the publication of rates in conformity with the findings herein. Complaint in No. 22208 dismissed.

International Vegetable Oil Co. v. Central of Georgia Ry. Co., 161 I. C. C. 670.

745. Rate on cottonseed oil, in carloads, from Greenville, Ga., to Chattanooga, Tenn., refined in transit at Lakewood Station, Ga., found unreasonable. Reparation awarded.

Dann-Gerow Co. v. Alabama G. S. R. Co., 161 I. C. C. 673.

746. Rates on common brick, hollow building tile, and brick other than common, in carloads, as defined in the *General Brick case*, 68 I. C. C. 213, 80 I. C. C. 179, from points within the South to Clearwater and St. Petersburg, Fla., found unreasonable. Reasonable rates prescribed for the future. Reparation denied.

Chappel Bros. v. Chicago, B. & Q. R. Co., 161 I. C. C. 677.

747. Rates on horses for slaughtering purposes, in carloads, from points in Montana, Wyoming, North Dakota, South Dakota, Nebraska, and Minnesota to Rockford, Ill., found not unreasonable or otherwise unlawful except the rate on 51 carloads from Bitter Creek, Wyo., to Rockford found unreasonable and waiver of undercharges authorized. Complaint dismissed.

Jackson Traffic Bureau v. Alabama G. S. R. Co., 161 I. C. C. 683.

748. Rate charged on one carload of chairs from Cleveland, Tenn., to Jackson, Miss., found unreasonable. Reparation awarded.

Empire Oil & Refining Co. v. Gulf, C. & S. F. Ry. Co., 161 I. C. C. 685.

749. Rate charged on absorption oil, in carloads, from Gainesville, Tex., to Gilliam, La., found unreasonable. Some shipments found to have been misrouted. Reparation awarded.

Dempsey Lumber Co. v. Atlantic Coast Line R. Co., 161 I. C. C. 691.

750. Applicable rates on lumber, other than walnut, cedar, or cherry, in carloads, from Calsaco, S. C., to numerous destinations in North Carolina and Virginia found unreasonable prior to October 8, 1929, and in some instances unreasonable on and after that date. Reasonable rates determined and prescribed, and reparation awarded.

Classification rating on glove-palm reinforcements, 161 I. C. C. 696.

751. Proposed specific rating in official classification on glove-palm and glove-finger reinforcements made from split leather, found to effect an increase in rates, and such increase found not justified. Suspended schedules ordered canceled.

Use of Northern Pacific track by Great Northern at Seattle, 161 I. C. C. 699.

752. Use of that portion of the Northern Pacific's lines, within the switching limits of Seattle, Wash., extending from Interbay yard to a point near Fremont Avenue by the Great Northern found to be in the public interest and practicable without substantially impairing the Northern Pacific's ability to handle its own business.

753. The record held open for 60 days to enable the carriers to agree upon the terms and compensation for such use.

Bottles and other glassware, 161 I. C. C. 706.

754. Certain increased rates and certain other reduced rates proposed on bottles and other glassware, in carloads, from San Francisco and Los Angeles, Calif., and points taking the same rates, to points in Arizona, New Mexico, and El Paso, Tex., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Grain and grain products, 161 I. C. C. 709.

755. Proposed increased rates on grain and grain products, in carloads, from points on the Erie to destinations on the Pennsylvania and West Jersey & Seashore via Croxton, N. J., found not justified.

756. Proposed restriction of joint rates on like traffic from points on the Erie to certain destinations on the Pennsylvania in trunk-line territory to apply only via Johnsonburg, Pa., or other specified junctions between these respondents, found justified.

757. Suspended schedules ordered canceled, except those found justified, as to which order of suspension vacated. Proceedings discontinued.

Woolen clothing from Calif., 161 I. C. C. 713.

758. Proposed increased rates on woolen clothing, in less than carloads, from California and north Pacific coast points to eastern transcontinental destinations found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules in accordance with our views expressed herein. Proceeding discontinued.

Sash, doors, and blinds, 161 I. C. C. 718.

759. Proposed increased rates on sash, doors, and blinds, in carloads, from Shreveport, La., and other points in Louisiana, Arkansas, and Texas to Birmingham, Ala., and points grouped therewith, and to other destinations in Alabama and Tennessee, found not justified. Schedules ordered canceled and proceeding discontinued.

Kansas Live Stock Asso. v. Abilene & Southern Ry. Co., 161 I. C. C. 721.

760. Rates on stock cattle and calves, in carloads, from points in Texas, Oklahoma, and New Mexico to destinations in Kansas found not unreasonable or otherwise unlawful. Complaints dismissed.

Grain and grain products, 161 I. C. C. 725.

761. Proposed cancellation of joint rates on grain and grain products, in carloads, and routing in connection therewith, from points in Kansas on the Chicago, Rock Island & Pacific to destinations on the Atchison, Topeka & Santa Fe between Torrance and Santa Fe, N. Mex., found justified. Order of suspension vacated and proceeding discontinued.

Rastetter & Sons v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 727.

762. Rates charged on wooden folding chairs, upholstered only as to seats, and wooden folding tables, folded flat, in bundles, in mixed carloads, from Fort Wayne, Ind., to Los Angeles and San Francisco, Calif., found inapplicable. Applicable rates found not unreasonable or otherwise unlawful. Reparation awarded.

Abendroth Bros. v. Boston & A. R., 161 I. C. C. 730.

763. Carload rate on cast-iron radiators from Dunkirk, N. Y., to Port Chester, N. Y., found applicable. Complaint dismissed.

El Paso Freight Bureau v. Atlanta & W. P. R. Co., 161 I. C. C. 733.

764. Rate on cotton piece goods, in less than carloads, from El Paso, Tex., to Lanett, Ala., found unreasonable, but not unjustly discriminatory or unduly prejudicial. Reparation awarded.

765. Rates on cotton piece goods, in less than carloads, from El Paso to Fort Smith, Ark., St. Louis, Mo., Vicksburg, Miss., Detroit, Mich., Indianapolis, Ind., and Chicago, Ill., found inapplicable. Applicable rates found not unreasonable, unjustly discriminatory, or unduly prejudicial.

Brabston v. Louisville & N. R. Co., 161 I. C. C. 735.

766. Carload of lumber shipped from Brewton, Ala., to Cleveland, Va., found misrouted. Reparation awarded.

Ohio Steel Foundry Co. v. Baltimore & O. R. Co., 161 I. C. C. 738.

767. Rates charged on rough steel castings, in carloads, from Lima, Ohio, to Gibson, Grasselli, Burnham, Hammond, East Chicago, and Calumet, Ind., and Hegewisch and Chicago, Ill., and other points in the Chicago switching district, found not unreasonable or unduly prejudicial in the past. Complaint dismissed.

768. No findings or order for the future necessary because of the conclusions and determinations in *Iron and Steel Articles*, 155 I. C. C. 517.

American Cotton Waste & Linter Exch. v. Baltimore & O. R. Co., 161 I. C. C. 741.

769. Carload rating of fourth class in official classification on cotton-card strippings, cotton noils, cotton spinners, cotton-rovings waste, and garnetted cotton stock, found unreasonable. Fifth class prescribed.

770. Carload rating of fifth class in official classification on cotton motes and cotton sweepings found unreasonable. Sixth class prescribed.

Lynchburg Chamber of Commerce v. Chesapeake & O. Ry. Co., 161 I. C. C. 747.

771. Less-than-carload rate sought to be collected on miniature cedar chests from Swanton, Ohio, to Lynchburg, Va., found applicable and not shown to be unreasonable. Complaint dismissed.

Fredonia Linseed Oil Works Co. v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 749.

772. Rates on linseed oil, in carloads, from Minneapolis, Minn., and North Milwaukee, Wis., to Fredonia, Kans., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Crane & MacMahon v. Louisville & N. R. Co., 161 I. C. C. 753.

773. Rate on rough hardwood lumber, in carloads, from Alabama City, Ala. to St. Marys, Ohio, found not unreasonable or otherwise unlawful. Complaint dismissed.

Mathes Co. v. Kansas City S. Ry. Co., 161 I. C. C. 757.

774. Carload rate on scrap copper from Houston, Tex., to St. Louis, Mo., found applicable but unreasonable. Reparation awarded.

Lerio Patent Cup Co. v. Galveston, H. & S. A. Ry. Co., 161 I. C. C. 759.

775. Rate on galvanized turpentine cups and aprons, in carloads, from Mobile, Ala., to Eagle Pass, Tex., for exports to Durango, Mexico, found unreasonable. A reasonable rate for the future prescribed and reparation awarded.

Ford Oil Co. v. Atchison, T. & S. F. Ry. Co., 161 I. C. C. 763.

776. Rates on petroleum and its products, in carloads, from points in Kansas, Oklahoma, and Texas to certain destinations in New Mexico found applicable and not unreasonable. Complaint dismissed.

Light Grain & Milling Co. v. Chicago, R. I. & P. Ry. Co., 161 I. C. C. 772.

777. Aggregate charges on carload shipments of grain moving from points on the Kansas & Oklahoma to Liberal, Kans., there accorded transit service and the grain or grain products reshipped at the balance of the joint rate to interstate destinations on the Chicago, Rock Island & Pacific and its connections found unduly prejudicial but not otherwise unlawful. Undue prejudice ordered removed. Reparation denied.

Woodley Petroleum Co. v. Missouri Pac. R. Co., 161 I. C. C. 775.

778. Rate on tank steel, in carloads, from Cavett, La., to Griffin, Ark., found unreasonable. Reparation awarded.

Des Cognets & Co. v. Cincinnati, N. O. & T. P. Ry. Co., 161 I. C. C. 777.

779. Rate on sand and gravel, in carloads, from Cleves, Ohio, to Delaplain, Ky., found not unreasonable or otherwise unlawful. Rate on like carloads from Cleves to Blanchet and Sadieville, Ky., found unreasonable. Reasonable rate prescribed and reparation awarded.

Ajax Paper Mills v. New York Central R. Co., 161 I. C. C. 781.

780. Rate charged on liquefied chlorine gas, in carloads, from Niagara Falls, N. Y., to Buck Run, Pa., found applicable and not unreasonable. Complaint dismissed.

Allied Contractors v. Chicago & N. W. Ry. Co., 161 I. C. C. 785.

781. Rate charged and present rate on sand and gravel, in carloads, from Oral, S. Dak., to Gordon, Nebr., found not unreasonable or unduly prejudicial. Complaint dismissed.

Whitley Construction Co. v. Central of Georgia Ry. Co., 161 I. C. C. 787.

782. Rates charged on gravel, in carloads, from Montgomery, Ala., to Allie and Lutherville, Ga., found inapplicable. Reparation awarded.

Syson Timber Co. v. Mobile & O. R. Co., 161 I. C. C. 789.

783. Rate charged on old steel rails, in carloads, from Oak Grove, Ala., to Mobile, Ala., for export, found applicable. Complaint dismissed.

Iowa Paint Mfg. Co. v. Minneapolis & St. L. R. Co., 161 I. C. C. 791.

784. Rate charged on gypsum rock, in carloads, from Fort Dodge, Iowa, to Minneapolis, Minn., found to have been applicable and not unreasonable. Complaint dismissed.

Peabody Lumber Co. v. Pennsylvania R. Co., 161 I. C. C. 794.

785. Upon reconsideration, finding in former report herein, 153 I. C. C. 418, that the rate on rough lumber, in carloads, from Columbia City, Ind., to North Tonawanda, N. Y., was unreasonable, reversed. Prior finding that rates on rough lumber, in carloads, from Columbia City to Buffalo, N. Y., and from Columbia City and Bourbon, Ind., to Belding, Mich., were not unreasonable or otherwise unlawful, affirmed. Complaints dismissed.

Miner Lumber Co. v. Pennsylvania R. Co., 161 I. C. C. 801.

786. Upon further hearing, findings in former report, 153 I. C. C. 225, that the rate charged on rough lumber, in carloads, from Warsaw and Pierceton, Ind., to Medina, Ohio, was not unreasonable, affirmed. Complaint dismissed.

Eastbound rate bases and billing instructions on dairy products, 163 I. C. C. 1.

787. Proposed cancellation of basis of rail-and-water rates on certain dairy products from points on the Wabash Railway to destinations served by New England Steamship Company found not justified. Suspended schedules ordered canceled.

Coal, bituminous, ex-river, from Colona and Conway, 163 I. C. C. 3.

788. Proposed rate on ex-river bituminous coal, in carloads, from Colona and Conway, Pa., to Youngstown, Ohio, found not justified, but without prejudice to the filing of new schedules in conformity with the views expressed herein. Suspended schedules ordered canceled and proceeding discontinued.

Stopping-in-transit rules on fresh fruits, 163 I. C. C. 14.

789. Proposed withdrawal of transit arrangements at certain points in Montana, North Dakota, and South Dakota on fresh fruits, vegetables, and melons, in carloads, originating in north Pacific Coast States and British Columbia, Canada, and destined to eastern transcontinental territory, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Inland Box Corp. v. Arkansas & L. M. Ry. Co., 163 I. C. C. 17.

790. Rates on woodpulp board, in carloads, from West Nashville, Tenn., to Indianapolis, Ind., found unreasonable and unduly prejudicial prior to March 25, 1929, but not thereafter. Reparation awarded.

791. Rates on same commodity from West Monroe and Bastrop, La., to Terre Haute and Indianapolis, Ind., found not unreasonable but unduly prejudicial. Undue prejudice ordered removed. Reparation denied.

Dawson v. Baltimore & O. R. Co., 163 I. C. C. 22.

792. Rates on bituminous coal, in carloads, from points in Illinois, Kentucky, and Indiana to Blair, Nebr., found not unreasonable or unduly prejudicial. Complaint dismissed.

El Paso Freight Bureau v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 25.

793. Rate charged on a less-than-carload shipment of cotton piece goods from El Paso, Tex., to Muskogee, Okla., found unreasonable. Reparation awarded.

794. Rate charged on same commodity from El Paso, Tex., to Chicago, Ill., found inapplicable. Applicable rate found unreasonable. Waiver of undercharge authorized and reparation awarded.

Union Equity Exch. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 27.

795. Rates on wheat, in carloads, moving interstate from specified points in Texas to Galveston, Tex., found not unreasonable or unduly prejudicial. Complaint dismissed.

Crown Iron Works v. Chicago, St. P., M. & O. Ry. Co., 163 I. C. C. 29.

796. Rate charged on less-than-carload shipment of metal electric signs, without glass or bulbs, from Lima, Ohio, to Minneapolis, Minn., found applicable. Complaint dismissed.

Schlingen v. Chicago, M., St. P. & P. R. Co., 163 I. C. C. 31.

797. Rates on granite, in carloads and less than carloads, from Barre, Vt., to Madison, Wis., found applicable. Complaint dismissed.

Purse Bros. v. Pennsylvania R. Co., 163 I. C. C. 32.

798. Rate and minimum weight on green or wax beans, green peas, spinach, and kale, in straight or mixed carloads, from Baltimore, Md., Norfolk and Port Norfolk, Va., to Detroit, Mich., found not unreasonable or otherwise unlawful.

799. Carload minimum weight on lettuce from Cleveland, Ohio, to Detroit found unreasonable but not otherwise unlawful. Reasonable minimum prescribed for the future and reparation awarded.

New Bedford Board of Commerce v. Central of Georgia Ry. Co., 163 I. C. C. 37.

800. Combination rate collected on cotton, in carloads, from New Bedford, Mass., to Barnesville, Ga., on shipments originally moving from Newark, N. J., to New Bedford, thence reshipped to Barnesville, found inapplicable. Reparation awarded.

North American Cement Corp. v. Baltimore & O. R. Co., 163 I. C. C. 41.

801. Rates on crude gypsum rock, in carloads, from Oakfield, N. Y., group and from New Brighton, N. Y., to Security and Union Bridge, Md., found unreasonable but not otherwise unlawful. Reasonable rates for the future prescribed. Reparation awarded.

Gable Johnson Jury Co. v. Alabama, F. & G. R. Co., 163 I. C. C. 46.

802. Rates on raw peanuts, shelled or unshelled, in carloads, from points in Virginia and North Carolina, and on raw peanuts, unshelled, in carloads, from points in South Carolina, Georgia, and Alabama to Kansas City, Mo., found unreasonable and unduly prejudicial. Reparation awarded and reasonable and nonprejudicial rates prescribed for the future.

Winona Oil Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 51.

803. Rates on refined petroleum products, in tank-car loads, from points in Kansas, Oklahoma, and Texas to destinations in Wisconsin, found not unreasonable or unduly prejudicial. Complaints dismissed.

Dallas Cotton Exch. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 57.

804. Charges applicable on two shipments of compressed cotton, loaded in one car but covered by separate bills of lading, from Henderson, Tex., to Oakland, Calif., found not unreasonable or otherwise unlawful. Complaint dismissed.

Libby, McNeill & Libby v. Oahu Ry. & L. Co., 163 I. C. C. 61.

805. Carload rate on fresh pineapples, in lug boxes, from wharves at Honolulu to Libby Station, points on the Island of Oahu, Hawaii, found unreasonable and unduly prejudicial, but not unjustly discriminatory. Reparation awarded.

Austin Machinery Co. v. Florida E. C. Ry. Co., 163 I. C. C. 63.

806. Rate charged on power shovels, in carloads, from Indianapolis, Ind., to White City, Fla., found inapplicable. Reparation awarded.

Long Leaf Lumber Co. v. Atlantic Coast Line R. Co., 163 I. C. C. 65.

807. Rate charged on lumber, in carloads, shipped from York, Fla., to Tampa, Fla., for export, found applicable. Complaint dismissed.

Trimble Bros. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 66.

808. Rates on fresh fruits and vegetables, in carloads, from points in California, Colorado, Idaho, New Mexico, Oregon, Utah, and Wyoming to destinations in Nebraska, found unreasonable, but not otherwise unlawful. Reasonable rates prescribed and reparation awarded.

Salina Chamber of Commerce v. Arkansas Western R. Co., 163 I. C. C. 69.

809. On further consideration, finding in original report, 155 I. C. C. 671, that rates on lump coal from certain mine groups in Kansas, Missouri, Arkansas, and Oklahoma to Salina, Kans., are unreasonable, modified with respect to rates from the Rich Hill, Mo., group and the Pittsburg, Kans., group.

Acme Product Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 71.

810. Rates on rosin, in carloads, from certain points in Louisiana and Texas to certain destinations in central and western trunk-line territories found unreasonable between December 12, 1926, and October 1, 1927. Rates on like traffic from De Quincy, La., found unreasonable to Memphis, Tenn. Reparation awarded.

Bickett Rubber Products Corp. v. Chicago, M., St. P. & P. R. Co., 163 I. C. C. 78.

811. Rate charged on crushed slate, in carloads, from Poultney, Vt., to Watertown, Wis., found unreasonable. Reasonable rate determined and reparation awarded.

Veneer Mfg. Co. v. Atlantic Coast Line R. Co., 163 I. C. C. 81.

812. Rate charged on box shooks, in carloads, from Conway, S. C., to Columbus, Ga., found unreasonable. Reparation awarded.

Carey Co. v. Baltimore & O. R. Co., 163 I. C. C. 83.

813. Complainant found not to have been damaged by the charges collected on one carload of shingles shipped from Lockland, Ohio, to Baltimore, Md., and reconsigned to Parksley, Va. Complaint dismissed.

Cohen & Son v. Central R. Co. of N. J., 163 I. C. C. 85.

814. Rate charged on two carloads of junk copper from Williamsport, Pa., to Carteret, N. J., found inapplicable. Shipments found overcharged. Applicable rate found not unreasonable or otherwise unlawful. Reparation awarded.

Illinois Powder Mfg. Co. v. Alton & Eastern R. Co., 163 I. C. C. 87.

815. Carload rate on glycerine from St. Louis, Mo., to Grafton, Ill., found unreasonable. Reparation awarded.

Jersey Cereal Co. v. Ann Arbor R. Co., 163 I. C. C. 89.

816. Carload minimum assailed on corn flakes, in packages, in cases, from Cereal, Pa., to destinations in the United States and Canada found applicable and not unreasonable or unduly prejudicial. Complaint dismissed.

Fall River Chamber of Commerce v. Boston & M. R., 163 I. C. C. 93.

817. Rates on round-edge lumber, in carloads, from certain points in Maine to Fall River, Acushnet, and New Bedford, Mass., found unreasonable but not unduly prejudicial. Reasonable rates prescribed for the future and reparation awarded.

Van Deren Hardware Co. v. Erie R. Co., 163 I. C. C. 100.

818. Rate on prepared roofing, in carloads, from Niagara Falls, N. Y., to Hazard, Ky., found to have been unreasonable and in violation of the aggregate-of-intermediates provision of section 4 of the act. Reparation awarded.

Marley Paper Mfg. Co. v. Akron, C. & Y. Ry. Co., 163 I. C. C. 103.

819. Rates on chipboard and pulpboard, in carloads, from Childs and Marley Mills, Md., and Winchester, Va., to interstate destinations in official territory, except as hereinafter indicated, found not unreasonable or otherwise unlawful.

820. Rates on chipboard, in carloads, from Winchester, Va., to certain destinations in central territory found unreasonable prior to December 5, 1927. Reparation awarded.

821. Rates on chipboard and pulpboard, in carloads, from Childs and Marley Mills, Md., and Winchester, Va., to Atlanta, Ga., found unreasonable. Reasonable rates prescribed and reparation awarded.

Arizona Corp. Commission v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 112.

822. Rates on wool and mohair in the grease, in carloads, from Arizona points to Los Angeles Harbor and San Diego, Calif., found unreasonable. Basis of reasonable rates prescribed for the future.

Industrial Rayon Corp. v. Pere Marquette Ry. Co., 163 I. C. C. 117.

823. Defendants' failure to publish and to apply on carbon bisulphide, in carloads, from Midland, Mich., to Cleveland, Ohio, the rate published to a more distant point and made subject to rule 77 of Tariff Circular 18-A, found unreasonable. Reparation awarded.

Caruso, Rinella, Battaglia Co. v. Southern Ry. Co., 163 I. C. C. 120.

824. Rates on fresh peaches, in carloads, from Molena and Yatesville, Ga., to Oneonta, N. Y., found to have been unreasonable but not otherwise unlawful. Reparation awarded.

Oehler Building Material & F. Co. v. Southern Ry. Co., 163 I. C. C. 123.

825. Rate charged on common brick, in carloads, from Albion, Ill., to St. Louis, Mo., found inapplicable. Reparation awarded.

Boyle Mfg. Co. v. Southern Pac. Co., 163 I. C. C. 126.

826. Rate on stamped ware and tinware, in straight or mixed carloads, from Los Angeles, Calif., to Phoenix and Tucson, Ariz., found unreasonable. Reasonable rate prescribed and reparation awarded.

Milne Lumber Co. v. Michigan Central R. Co., 163 I. C. C. 133.

827. Demurrage charges collected on two carload shipments of lumber at Detroit, Mich., found inapplicable in part. Reparation awarded.

Natchez, Columbia & Mobile R. Co., 163 I. C. C. 136.

828. Upon petition of the Natchez, Columbia & Mobile for authority to negotiate with the Gulf & Ship Island for higher divisions from those prescribed in the *Tap Line Case*, 23 I. C. C. 277, 31 I. C. C. 490, found that petitioner has not shown itself to be entitled to such increase. Proceeding dismissed.

Street Passenger Cars and Railway Cars, 163 I. C. C. 141.

829. Schedules proposing increased rates on street passenger cars or car bodies, railway cars or railway-car bodies and parts thereof, in carloads, from eastern transcontinental group points to Salt Lake City, Utah, points in Montana and intermountain and Pacific coast territories, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

American Hide & Leather Co. v. Boston & M. R., 163 I. C. C. 145.

830. Upon further hearing, amount of reparation due on shipments of leather, in carloads from Ballston Spa, N. Y., to Manchester, N. H., determined. Original reports, 152 I. C. C. 313 and 161 I. C. C. 255.

Wadhams Oil Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 147.

831. On reconsideration rates on refined and heavy oils, in tank-car loads, from Kansas and Oklahoma points to Janesville, Jefferson, and Fort Atkinson, Wis., found not unreasonable, but unduly prejudicial to Janesville prior to March 2, 1928, and to Jefferson and Fort Atkinson prior and subsequent to that date. Undue prejudice ordered removed. Reparation denied. Former report, 148 I. C. C. 553, modified.

Western Cartridge Co. v. Cleveland, C., C. & St. L. Ry. Co., 163 I. C. C. 150.

832. Carload rate on metallic arsenic from Manhattan Piers, N. J., to East Alton, Ill., found inapplicable. Applicable rate found not unreasonable or unjustly discriminatory. Reparation awarded.

West Point Iron Works v. Atlanta, B. & C. R. Co., 163 I. C. C. 153.

833. Rates charged on pine lumber, in carloads, from certain points in Alabama to West Point, Ga., found unreasonable. Reasonable rates prescribed and reparation awarded.

Rumford Chemical Works v. New York, N. H. & H. R. Co., 163 I. C. C. 156.

834. On further hearing, finding in 142 I. C. C. 43 that rates charged on spent charred filtering bone, in carloads, from Boston, Mass., Hoboken, N. J., and Yonkers, N. Y., to Rumford, R. I., and on steamed animal bones, in carloads, from Peabody, Mass., to Rumford, were not unreasonable, reversed. Reasonable rates prescribed and reparation awarded.

Vera Chemical Co. v. Alabama Central R. Co., 163 I. C. C. 160.

835. Upon further hearing, found that complainant paid and bore the freight charges on shipments of rosin received by it since January 12, 1924, at Burlington, Ontario, Canada, from south Atlantic ports and points taking the same rates. Following the former reports, 104 I. C. C. 408, and 120 I. C. C. 434, reparation awarded.

Small v. Abilene & Southern Ry. Co., 163 I. C. C. 163.

836. On reconsideration, finding in original report, 159 I. C. C. 311, that the rates charged on hay, in carloads, from points in southeastern Kansas to destinations in Texas and Louisiana were not unreasonable prior to October 12, 1925, reversed; and finding that thereafter until January 31, 1927, inclusive, they were unreasonable, modified. Reparation awarded.

Cancellation of commodity rates on sewer pipe, 163 I. C. C. 167.

837. Upon reconsideration, finding in prior report, 157 I. C. C. 514, that respondents in I. and S. No. 3000 had not justified their proposal to increase to sixth-class rates their commodity rates on vitrified-clay sewer pipe and wall coping in central territory and from points in Ohio to points in the Buffalo-Pittsburgh territory, and that rates 90 per cent of sixth class would be reasonable, affirmed. Not shown that rates established on this basis would result in undue prejudice. Finding in No. 19975 affirmed.

838. Upon reconsideration, finding in I. and S. No. 3059 that respondents' proposal to increase certain rates on these commodities from the Clearfield, Pa., district to eastern trunk-line points was not justified, without prejudice, however, to the filing of new schedules based on 90 per cent of the sixth-class rates, modified to the extent indicated herein.

839. Finding in No. 19886 that the rates assailed from Craigsville, Pa., to points in eastern trunk-line territory for the future will be unreasonable and unduly prejudicial to the extent that they exceed 90 per cent of the sixth-class rates modified to the extent indicated herein. Rates from Craigsville to points in New England not shown to be unreasonable or otherwise unlawful.

Arnold Fruit Co. v. Seaboard Air Line Ry. Co., 163 I. C. C. 173.

840. Carload rate on carrots, without tops, from Mercedes, Tex., to Jacksonville, Fla., found unreasonable. Reparation awarded.

Wharfage charges at Honolulu, 163 I. C. C. 176.

841. Proposed increased wharfage charges against vessels occupying space at respondent's wharves, or when moored in slip or channel, at Honolulu, Hawaii, and for the privilege of discharging on or receiving freight and passengers therefrom, found not within our jurisdiction. Order of suspension vacated and proceeding discontinued.

Muscle Shoals Traffic Bureau v. Alabama Central R. Co., 163 I. C. C. 182.

842. Class A rates on old cotton-bale coverings, ties, and buckles, in less than carloads, from points in the Southeast to Tusculumbia and Sheffield, Ala., found not unreasonable.

843. Rates charged on old worn-out bags having no greater value than for conversion into secondhand cotton-bale covering, in less than carloads, found unreasonable to the extent that they exceeded the contemporaneous class A rates. Reparation awarded. Original report, 139 I. C. C. 194, modified in this respect. Complaint in No. 19844 dismissed.

Consolidation of Railroads, 163 I. C. C. 188.

844. Consolidation plan modified so as to assign the Gulf, Texas & Western Railway Company to system No. 19, Rock Island-Frisco, instead of system No. 17, Santa Fe. Previous report, 159 I. C. C. 522.

Texas Pac. Coal & Oil Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 189.

845. Upon further hearing, finding in former report herein, 118 I. C. C. 719, that the rate on iron and steel pipe, in carloads, from Ranger, Tex., to Ada, Bristow, Byng, Paden, and Seminole, Okla., and from Jefferson, Okla., to Ranger, Tex., was unreasonable, modified. Reparation awarded to modified basis.

Everett Hardwood Lumber Co. v. Huntingdon & B. T. M. R. & C. Co., 163 I. C. C. 193.

846. Rates on wooden crossties, in carloads, from certain points in Pennsylvania on the lines of the Huntington & Broad Top Mountain Railroad & Coal Company and the Pennsylvania to destinations in Connecticut on the lines of the New York, New Haven & Hartford found unreasonable, but not otherwise unlawful. Reasonable rate prescribed and reparation awarded.

Louisville Cement Co. v. Pennsylvania R. Co., 163 I. C. C. 199.

847. Local rate to Louisville, Ky., charged on through shipments of cement, in carloads, from Speeds, Ind., to destinations in Kentucky, Tennessee, and Virginia found inapplicable. Complaint dismissed.

Smith Co. v. Chicago, R. I. & P. Ry. Co., 163 I. C. C. 203.

848. Rates on radio cabinets, in carloads, from Red Lion, Philadelphia, and York, Pa., to Oklahoma City, Okla., and Dallas, Tex., found not inapplicable or unreasonable. Complaint dismissed.

Snell Sash & Door Co. v. Great Northern Ry. Co., 163 I. C. C. 205.

849. Rate charged on kitchen and certain other cabinets, set up loose, in a mixed carload of millwork, building woodwork, and lumber from St. Paul, Minn., to Great Falls, Mont., found inapplicable, and the rate charged on the remaining contents of the carload found applicable. Applicable rates found not unreasonable. Reparation awarded.

Solar Refining Co. v. Detroit, T. & I. R. Co., 163 I. C. C. 208.

850. Interstate rates on petroleum and petroleum products, in carloads, from Lima, Ohio, to Powers and Fayette, Ohio, and Morenci and Hillside, Mich., found unreasonable. Reasonable rates prescribed for the future.

American Fruit Co. v. Rapid City, B. H. & W. R. Co., 163 I. C. C. 211.

851. Rates on domestic fruits, melons, and vegetables, in carloads, from producing points in southern Missouri, Oklahoma, Arkansas, and Texas to certain destinations in South Dakota found unreasonable and in certain instances unduly prejudicial for the future. Reasonable and nonprejudicial rates prescribed. Rates on the same commodities from and to these points found not unreasonable in the past, except where and to the extent that they exceeded combinations of intermediate rates. Reparation awarded.

852. Rates on apples, grapes, and potatoes, in carloads, from certain points in Kansas to Aberdeen, S. Dak., found unreasonable, and on apples in some instances unduly prejudicial, for the future, but not unreasonable in the past. Reasonable and nonprejudicial rates prescribed. Reparation denied.

853. Minimum weights on potatoes from certain points in Kansas to Aberdeen found unduly prejudicial, but not unreasonable. Undue prejudice ordered removed. Reparation denied.

854. Rate on bananas, in carloads, from New Orleans, La., to Watertown, S. Dak., found unduly prejudicial, but not unreasonable. Nonprejudicial relationship prescribed. Reparation denied.

Gates Hardware Co. v. Missouri-K.-T. R. Co., 163 I. C. C. 230.

855. Rate on iron or steel roofing, in carloads, from Indianapolis, Ind., to Tulsa, Okla., found to have been unreasonable. Reparation awarded.

Nuckolls Packing Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 233.

856. Refrigeration charges on fresh meat and packing-house products, in carloads, from Pueblo, Colo., to points in New Mexico found applicable and not unreasonable. Section 4 of the act not shown to have been violated. Complaint dismissed.

Cobb Co. v. Missouri-K. T. R. Co., 163 I. C. C. 241.

857. Rates charged on a carload of butter from Dallas, Tex., to St. Paul, Minn., found inapplicable in part. Reparation awarded.

St. Anthony & Dak. Elev. Co. v. New York, O. & W. Ry. Co., 163 I. C. C. 245.

858. Rate charged on anthracite coal, in carloads, from Mayfield Yard, Pa., to Winthrop and Farley, Iowa, found unreasonable. Reparation awarded.

St. Anthony & Dak. Elev. Co. v. Great Northern Ry. Co., 163 I. C. C. 247.

859. Rate charged on sand and gravel, in carloads, from Thorsburg Pit (Wahpeton Gravel & Sand Company spur), Minn., to Kindred, N. Dak., found unreasonable. Reparation awarded.

Oklahoma Portland Cement Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 249.

860. Rates on Portland cement, in carloads, from Ada and Dewey, Okla., and Humboldt and Chanute, Kans., to destinations in southwestern Texas found unreasonable and unduly prejudicial. Reasonable rates prescribed and reparation awarded.

Canton R. Co. v. Ann Arbor R. Co., 163 I. C. C. 263.

861. Upon complaint alleging that the absorptions, divisions, and allowances made to complainant out of joint rates and charges in effect between complainant and defendants constitute unjust, unreasonable, and inequitable divisions; *Held*, That complainant does not participate in joint rates and charges with defendants, with certain exceptions as to which the record affords no basis for a prescription of divisions. Complaint dismissed.

Eiler Lumber Co. v. Garyville Northern R. Co., 163 I. C. C. 268.

862. Certain demurrage charges collected for detention at Bethlehem, Pa., of a carload of lumber from Frost, La., to Indianapolis, Ind., and reconsigned to New Bethlehem, Pa., found inapplicable. Reparation awarded.

863. Application of a reconsignment charge at Bethlehem, in addition to the rates to and from that point, found unreasonable. Reparation awarded.

864. The carload of lumber from and to the points shown above found misrouted. Reparation awarded.

Rates, fares, and charges of Wheeling Traction Co., 163 I. C. C. 271.

865. Fares required to be maintained by respondent in Ohio by authority of that State not shown to result in a violation of section 3 or section 13 of the interstate commerce act. Proceeding discontinued.

Higginbotham-Bartlett Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 285.

866. Rates on coal, in carloads, from southern Colorado and northern New Mexico to destinations in Texas, New Mexico, and Oklahoma, found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Armour & Co. v. St. Louis-S. F. Ry. Co., 163 I. C. C. 299.

867. Rates on packing-house products, including sausage, in peddler cars from East St. Louis, Ill., to destinations in Missouri and Arkansas and from St. Louis, Mo., to destinations in Arkansas found not unreasonable. Complaints dismissed.

Franklin Peanut Co. v. Gettysburg & H. Ry. Co., 163 I. C. C. 303.

868. Rates charged on common clay, in carloads, from Toland, Pa., to Franklin, Va., found not unreasonable. Complaint dismissed.

Speyer & Co. v. Cincinnati, N. O. & T. P. Ry. Co., 163 I. C. C. 307.

869. Rate on scrap iron, valuable for remelting purposes only, in carloads, from Wallace, Ky., to Cincinnati, Ohio, found unreasonable. Reparation awarded.

Michigan Silo Co. v. Boston & A. R., 163 I. C. C. 309.

870. Rates on cement silo staves, slabs, or blocks, in carloads, from Peoria, Ill., and Bloomfield, Ind., to points in eastern trunk-line and New England territories found unreasonable but not unduly prejudicial. Reparation awarded.

Warren Paint & Color Co. v. Chicago, B. & Q. R. Co., 163 I. C. C. 316.

871. Rate on linseed oil, carloads, from North Milwaukee, Wis., to Nashville, Tenn., found not unreasonable. Complaint dismissed.

Coal from Ala., Ky., Tenn., and Va., 163 I. C. C. 319.

872. Rates proposed to be applied to the transportation of bituminous coal, in carloads, from mines in Tennessee, Kentucky, Virginia, and Alabama to destinations in the Southeast found not justified. Suspended schedules ordered canceled and proceeding discontinued.

873. Rates applied to the transportation of bituminous coal, in carloads, from mines in Alabama, Kentucky, Virginia, and Tennessee to Camilla, Pelham, Sylvester, Omega, Abbeville, Tifton, Ashburn, Adel, Cordele, and Ocilla, Ga., found not unreasonable, but charges applied to the transportation to Ashburn and Adel which are greater than the charges for the transportation over longer distances to Tifton and Valdosta found not justified.

874. Rates applied to the transportation of bituminous coal, in carloads, from mines in Kentucky, Tennessee, Virginia, and Alabama to Tallahassee, Quincy, and Jamieson, Fla., found to have been and to be unreasonable. Reasonable bases of rates for the future prescribed and reparation awarded.

875. Rate for the transportation of bituminous coal, in carloads, from mines in southwestern Virginia to Augusta, Ga., found not unreasonable.

876. Rate for the transportation of bituminous coal, in carloads, from mines in southwestern Virginia to Campania, Ga., found unreasonable. Reasonable rate for the future prescribed.

877. Fourth-section relief at Ashburn, Ga., denied.

Forcheimer v. Illinois Central R. Co., 163 I. C. C. 354.

878. Reconsignment charges collected on interstate carload shipments of scrap iron found applicable but unreasonable.

879. Rates charged on scrap iron, in carloads, from St. Louis, Mo., to Granite City, Ill., thence reconsigned to Keokuk, Iowa, found applicable and not unreasonable or otherwise unlawful.

880. Reparation awarded.

Star Can Opener Co. v. Chicago, M. & St. P. Ry. Co., 163 I. C. C. 357.

881. Third-class any-quantity rating in official classification and resulting rate applied on can openers, in carloads, from Torrington, Conn., to Chicago, Ill., found not unreasonable. Complaint dismissed.

Decatur Box & Filler Co. v. Pennsylvania R. Co., 163 I. C. C. 359.

882. Rate charged on egg cases knocked down, in carloads, from Decatur and Portland, Ind., to Hastings and Vicksburg, Mich., found applicable. Complaint dismissed.

Luckenbach Gulf S. S. Co. v. Illinois Central R. Co., 163 I. C. C. 361.

883. Refusal of defendant to establish through routes and joint rail-water rates via New Orleans with complainant on certain commodities from point on defendant's line in Illinois, Indiana, Missouri, and Kentucky to certain California ports while contemporaneously maintaining through routes and joint rail-water rates with intervener on same traffic from and to the same points, found unduly preferential of intervener and unduly prejudicial to complainant. Undue prejudice ordered removed.

Cline & Bernheim v. Tennessee Central Ry. Co., 163 I. C. C. 365.

884. Rate charged on scrap brass and scrap copper, in mixed carloads, from Nashville, Tenn., to Carteret, N. J., found unreasonable but not otherwise unlawful. Reasonable rate prescribed and reparation awarded.

Iron and steel articles, 163 I. C. C. 369.

885. Proposed reduced rate on iron and steel articles, in carloads, from Chicago, Ill., district to Milwaukee, Wis., and contiguous points, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Eastern Tanners Glue Co. v. Cleveland, C., C. & St. L. Ry. Co., 163 I. C. C. 376.

886. Rates on tannery fleshings, in carloads, from Philadelphia, Pa., and South Wood River, Ill., to Gowanda, N. Y., found not unreasonable. Complaint dismissed.

Menasha Products Co. v. Chicago & N. W. Ry. Co., 163 I. C. C. 384.

887. Less-than-carload rate on waxed wrapping paper, not printed, from Louisville, Ky., to Milwaukee, Wis., or a shipment moving from Louisville to

Menasha, Wis., found inapplicable. Applicable rate not shown to be unreasonable.

888. Charges collected on less than carload of waxed wrapping paper, printed, shipped from Neenah-Menasha, Wis., to Louisville, Ky., found inapplicable.

889. Second-class rates on waxed wrapping paper, printed, in less than carloads, from Milwaukee, Wis., to Louisville, Ky., and Indianapolis, Ind., on shipments originating at Neenah-Menasha, Wis., found unreasonable.

890. Reparation awarded.

Hallsboro Mfg. Co. v. Atlantic Coast Line R. Co., 163 I. C. C. 387.

891. Interstate rates on excelsior, in carloads, from Hallsboro, Va., to destinations in North Carolina and South Carolina found not unreasonable or unduly prejudicial.

892. Intrastate rates on excelsior, sawdust, shavings, cotton linters, and cottonseed-hull fiber or shavings between points in South Carolina and intrastate rates on the same commodities except excelsior between points in North Carolina found not unlawful.

893. Intrastate rates on excelsior from and to certain points in North Carolina found not to result in unjust discrimination against interstate commerce, but to result in undue prejudice to a shipper in interstate commerce and in undue preference of shippers in intrastate commerce. Entry of an order held in abeyance.

Atlanta Terra Cotta Co. v. Atlanta & W. P. R. Co., 163 I. C. C. 391.

894. Rate charged on building terra cotta, in carloads, from East Point, Ga., to Covington, Va., found inapplicable in certain instances. Applicable rate found unreasonable. Reasonable rate prescribed and reparation awarded.

Seele Bros. Grain Co. v. Chicago & A. R. Co., 163 I. C. C. 396.

895. Rates charged on wheat, in carloads, from certain points in Indiana to Memphis, Tenn., found applicable. Complaint dismissed.

Sherman Co. v. Chicago, B. & Q. R. Co., 163 I. C. C. 399.

896. Rate on cereal beverages in straight carloads or in mixed carloads with ginger ale, from St. Joseph, Mo., to Omaha, Nebr., and Council Bluffs, Iowa, found not unreasonable. Complaint dismissed.

Cotton Trading Co. v. Baltimore & O. R. Co., 163 I. C. C. 403.

897. Rate charged on a carload shipment of cottonseed-hull fiber or shavings from Crenshaw, Miss., to Indianapolis, Ind., found inapplicable. Reparation awarded.

Whitehead v. Southern Ry. Co., 163 I. C. C. 405.

898. Less-than-carload shipment of canned salmon from Norfolk, Va., to Chatham, Va., found to have moved in interstate commerce. Interstate rate charged thereon found not unreasonable. Complaint dismissed.

Switching charges at Louisville, Nebr., 163 I. C. C. 407.

899. Proposed increased switching charge between industries on the Missouri Pacific and connection of that carrier with the Chicago, Rock Island & Pacific at Louisville, Nebr., and proposed modification of absorption provision of the latter carrier found not justified. Suspended schedule ordered canceled and proceeding discontinued.

Automatic train-control devices, 163 I. C. C. 411.

900. After inspection and test, installations found to be in conformity with plans furnished by the carrier, and installations are approved except as noted.

901. Certain features in connection with the requirements and specifications are brought to the carrier's attention for consideration and appropriate action.

Baskowitz & Sons v. Cleveland, C., C. & St. L. Ry. Co., 163 I. C. C. 428.

902. Rate on new glass bottles of 1 gallon or less capacity, in carloads, from Muncie, Ind., to Atlanta, Ga., found unreasonable. Carload rate charged on old glass bottles of the same capacity, in carriers, from St. Louis, Mo., to Atlanta, found inapplicable. Applicable rate found to have been unreasonable. Reparation awarded and reasonable rate from Muncie to Atlanta prescribed for the future.

Ry-Krisp Co. v. Abilene & Southern Ry. Co., 163 I. C. C. 433.

903. Ratings and rates on bakery goods found applicable on Ry-Krisp, in carloads and less than carloads, from Minneapolis, Minn., to destinations in official, western, and southern classification territories.

904. Applicable ratings and rates found not unreasonable or otherwise unlawful. Complaint dismissed.

Loose-Wiles Biscuit Co. v. Missouri Pac. R. Co., 163 I. C. C. 439.

905. Rates on shelled peanuts, in carloads, from Norfolk, Suffolk, Petersburg, Zuni, and Pinners Point, Va., to Kansas City, Mo., found not unreasonable or otherwise unlawful. Complaint dismissed.

906. Fourth-section relief denied.

Interstate Power Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 443.

907. Rate on gas oil, in tank-car loads, from Blackwell, Okla., to Clinton, Iowa, found not unreasonable. Complaint dismissed.

Bartley Co-op. Oil Co. v. Chicago & N. W. Ry. Co., 163 I. C. C. 445.

908. Rates on refined petroleum oils, in carloads, from points in the Casper, Wyo., group to destinations in northeastern Colorado and southwestern Nebraska found not unreasonable or otherwise unlawful. As to these rates, complaints dismissed.

909. In No. 21629, rate on asphalt, in carloads, from Casper, Wyo., to McCook, Nebr., found unreasonable. Reasonable rates prescribed and reparation awarded.

Smith Agency v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 452.

910. Ratings on new and worn-out or defective taximeter parts, in less than carloads, in official, southern, and western classifications found not unreasonable. Complaints dismissed.

Ochs Brick & Tile Co. v. Chicago, M. & St. P. Ry. Co., 163 I. C. C. 455.

911. Rates on brick and hollow building tile from Springfield, Minn., to destinations in South Dakota found to have been unreasonable during a certain period. Reparation awarded.

Swift & Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 459.

912. Rates on dressed poultry, butter, and eggs, in straight or mixed carloads, from Eureka Springs, Ark., and certain points in Kansas to eastern destinations found to have been unreasonable. One shipment from Eureka Springs found overcharged. Reparation awarded.

Oshkosh Traffic Assn. v. Great Northern Ry. Co., 163 I. C. C. 463.

913. Rates on lumber, in carloads, from points in Oregon, Washington, Idaho, and Montana to Oshkosh and Fond du Lac, Wis., found not unreasonable or unduly prejudicial. Complaint dismissed.

Swift & Co., v. Pennsylvania R. Co., 163 I. C. C. 467.

914. Application of a bridge toll at Louisville, Ky., on carload shipments of livestock from Louisville to Cleveland, Ohio, Chicago, Ill., Milwaukee, Wis., and Indianapolis, Ind., found unreasonable. Reparation awarded.

Walrath & Sherwood Lumber Co. v. Director General, 163 I. C. C. 469.

915. Penalty charges collected on carloads of lumber and articles taking lumber rates at designated points in western territory found inapplicable in specified instances. Reparation awarded.

Switching charges at Atchison, 163 I. C. C., 482.

916. Proposed increased charges for switching at Atchison, Kans., found justified. Suspension order vacated and proceeding discontinued.

Kirk & Co. v. Chicago & N. W. Ry. Co., 163 I. C. C. 485.

917. Demurrage charges collected on cars placed for unloading or loading at complainant's plants in Chicago, Ill., not shown to have been inapplicable. Bases indicated for determining overcharges that may exist under certain specified conditions, and defendant directed to refund any such overcharges. Complaint dismissed.

Spencer Sons Co. v. Cincinnati, N. O. & T. P. Ry. Co., 163 I. C. C. 492.

918. Rates charged on less-than-carload shipments of pickles, packed in glass or tin, boxed, from Cincinnati, Ohio, to destinations in southern territory, found applicable and not unreasonable. Complaint dismissed.

Webb Press Co. v. Alabama G. S. R. Co., 163 I. C. C. 495.

919. Rates on castings and forgings, parts of compresses, in carloads, from East Birmingham, Ala., to Beaumont, Corpus Christi, Corsicana, Crockett, Littlefield, Ralls, Robstown, and Stamford, Tex., found unreasonable, but not otherwise unlawful. Reparation awarded.

Waggoner-Gates Milling Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 501.

920. Rates on grain, in carloads, originating on lines other than the Missouri Pacific at points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Wyoming, moving beyond Kansas City, Mo.-Kans., over the Missouri Pacific to Independence, Mo., for milling, and the products reshipped via Kansas City to destinations in Illinois, Iowa, Minnesota, and Wisconsin found applicable and not unreasonable or otherwise unlawful.

921. Rates on grain, in carloads, originating at points on the Missouri Pacific north and west of Atchison, Kans., moving over that line via Atchison and Kansas City to Independence, for milling, and the products reshipped to destinations in Illinois, Iowa, Minnesota, and Wisconsin found applicable. Complaint dismissed.

Milne Lumber Co. v. New York Central R. Co., 163 I. C. C. 508.

922. Demurrage charges collected at Detroit, Mich., on a carload of lumber originating at Oakdale, La., found applicable. Complaint dismissed.

Chemical Lime Co. v. Pennsylvania R. Co., 163 I. C. C. 511.

923. Rates on lime and ground limestone, in carloads, from Chemical and Lime Centre, Pa., to points in official territory found not unreasonable as applied to past shipments but unreasonable for the future. Reasonable basis of rates prescribed for the future.

924. Rates on like traffic from Bellefonte and Pleasant Gap, Pa., to points in official territory found not unreasonable.

Dishes, plates, and trays, 163 I. C. C. 518.

925. Proposed cancellation of commodity rates on paper, pulpboard, and wood-pulp dishes, plates, and trays, in carloads, from, to, and between points in southern territory found justified. Order of suspension vacated and proceeding discontinued.

Merchants' & Manufacturers' Traffic Bureau v. Kansas, O. & G. Ry. Co., 163 I. C. C. 521.

926. Upon rehearing finding in original report, 146 I. C. C. 549, that rate on glass sand, in carloads, from Pacific, Mo., to Sapulpa and Okmulgee, Okla., was not unreasonable, and rate on like traffic from Guion, Ark., to Sapulpa and Okmulgee was not unreasonable, but unduly prejudicial, modified. Reasonable rates prescribed for the future which will remove any existing undue prejudice.

927. Proposed increased interstate rates on glass sand, in carloads, from Guion, Ark., to Fort Smith, Ark., Poteau, Okla., and Shreveport, La., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Concrete Engineering Co. v. Gulf & S. I. R. Co., 163 I. C. C. 527.

928. Four carload shipments of wire-mesh concrete reinforcement shipped from South Bartonville, Ill., to Gulfport, Miss., found not misrouted. Rate charged found applicable and not unreasonable. Complaint dismissed.

Globe Grain & Milling Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 529.

929. Combination rates on a carload of corn from Bancroft, Nebr., twice stopped in transit and reforwarded to Los Angeles, Calif., there milled and reshipped to destinations in California, found not unreasonable. Tariff rules prohibiting such transit at joint rates found not unreasonable. Complaint dismissed.

Alcolu R. Co. v. Atlantic Coast Line R. Co., 163 I. C. C. 531.

930. Upon further hearing findings in original report, 140 I. C. C. 466, fixing divisions to be accorded the Alcolu Railroad out of joint trunk-line rates on interstate traffic to and from Green Hill, S. C., reversed. Complaint dismissed.

Ceramic Traffic Asso. v. Akron, C. & Y. Ry. Co., 163 I. C. C. 535.

931. Rates on ball clay, in carloads, from certain points in Kentucky and Tennessee to certain destinations in New Jersey and Pennsylvania found not unreasonable or unduly prejudicial. Complaint dismissed.

Eternit v. Chicago, B. & Q. R. Co., 163 I. C. C. 539.

932. Rates on hard asbestos shingles and accessories, in carloads, from Prospect Hill, Mo., to certain destinations in Tennessee, Alabama, Louisiana, and Mississippi, found not unreasonable or otherwise unlawful. Complaint dismissed.

Beggs Bros. Fruit Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 541.

933. Rates on apples and pears, in carloads, from points in Washington, Oregon, Idaho, Utah, and Colorado, to Los Angeles, Calif., found not unreasonable. Complaint dismissed.

Danville Chamber of Commerce v. Southern Ry. Co., 163 I. C. C. 548.

934. Rate charged on bananas, in carloads, from Charleston, S. C., to Danville, Va., found not unreasonable or otherwise unlawful. Complaint dismissed.

Newark Paraffine & Parchment Paper Co. v. Lehigh Valley R. Co., 163 I. C. C. 551.

935. Rate on wrapping paper, in carloads, from Forest Castle, Pa., to Newark, N. J., found not unreasonable. Complaint dismissed.

Metropolitan Coal Co. v. Boston & A. R., 163 I. C. C. 555.

936. Failure of defendant to include complainants' plants on its Newton-Highlands branch in Brookline and Brighton, Mass., within the switching limits of Boston, Mass., on bituminous coal, in carloads, while contemporaneously including their competitors' plants within those limits on like traffic, found not unjustly discriminatory, but unduly prejudicial and preferential. Undue prejudice and preference ordered removed.

Hoover Steel Ball Co. v. Michigan Central R. Co., 163 I. C. C. 561.

937. Rates charged on steel wire, in coils, in straight carloads, in mixed carloads with bar steel, and in less than carloads, from Reading, Pa., and points in the New York lighterage limits to Ann Arbor, Mich., found inapplicable. Reparation awarded.

938. Rates charged on other steel articles, in straight carloads, and less than carloads, from and to the same points found applicable.

Ashland Refining Co. v. Alabama G. S. R. Co., 163 I. C. C. 565

939. Rates on refined petroleum products, in carloads, from Leach, Ky., to certain destinations in Virginia and Tennessee found unreasonable. Reasonable rates prescribed. Reparation awarded.

Bay City Fuel Co. v. Columbus & G. Ry. Co., 163 I. C. C. 569.

940. Rate charged on a carload of coal moved over an interstate route from Ruby, Ala., to Mobile, Ala., found unreasonable. Reparation awarded.

Mauil Co. v. Chicago, R. I. & P. Ry. Co., 163 I. C. C. 571.

941. Rate charged on three carloads of vinegar from Chicago, Ill., to St. Louis, Mo., found not unreasonable or otherwise unlawful. Complaint dismissed.

Paper Makers Chemical Corp. v. Louisville & N. R. Co., 163 I. C. C. 573.

942. Charges collected on one carload of rosin size from Pensacola, Fla., to Advance, La., found inapplicable. Applicable rate found unreasonable. Reparation awarded.

Jackson Traffic Bureau v. Gulf, M. & N. R. Co., 163 I. C. C. 576.

943. Rates on box material, in carloads, from Crystal Springs, Miss., to certain destinations in Tennessee found not unreasonable or otherwise unlawful. Rates on same traffic to certain destinations in Tennessee found not unreasonable in the past but unreasonable now and for the future. Reasonable rates prescribed.

Abingdon Sanitary Mfg. Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 579.

944. Ratings and class rates in western classification on earthenware water-closet bowls, water-closet tanks, lavatories, and lavatory legs or pedestals, in

straight and mixed carloads, and on lavatories and lavatory legs or pedestals, in less than carloads, found not unreasonable in the past, but unreasonable for the future. Reasonable ratings and rates prescribed.

Procter & Gamble Co. v. Baltimore & O. R. Co., 163 I. C. C. 583.

945. Rate on naphtha, in tank-car loads, from Okmulgee, Okla., to Ivorydale, Ohio, found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Brainerd Fruit Co. v. Chicago G. W. R. Co., 163 I. C. C. 585.

946. Rate on one carload shipment of strawberries from Monett, Mo., to Brainerd, Minn., found inapplicable. Reparation awarded.

Continental Steel Corp. v. Atchison, T. & S. F. R. Co., 163 I. C. C. 587.

947. Carload rates on wire and wire products from Kokomo, Ind., and on sheet steel and corrugated roofing from Indianapolis, Ind., to certain destinations in Iowa and Missouri found not unreasonable or otherwise unlawful. Complaint dismissed.

Wichita Falls Chamber of Commerce v. Fort Worth & D. C. Ry. Co., 163 I. C. C. 593.

948. Rate on small-arms ammunition, carload, from King's Mills, Ohio, to Wichita Falls, Tex., found not unreasonable or otherwise unlawful. Complaint dismissed.

Continental Paper & Bag Mills Corp. v. Atlantic City R. Co., 163 I. C. C. 595.

949. Upon reconsideration, finding in the former report, 153 I. C. C. 444, that the rate charged on paper bags, in straight carloads and in mixed carloads with wrapping paper, from Rumford, Me., to Newark, N. J., and Philadelphia and Harrisburg, Pa., was applicable, affirmed. Finding that the applicable rate was not unreasonable reversed. Reparation awarded.

Atlantic Lumber Co. v. Louisville & N. R. Co., 163 I. C. C. 598.

950. One carload of oak timbers from Duff, Tenn., to Port Arthur, Ontario, Canada, found to have been misrouted. Reparation awarded.

New Orleans Export Co. v. Atlantic Coast Line R. Co., 163 I. C. C. 601.

951. Rates on cottonseed meal, in carloads, from Aulander, N. C., to Norfolk, Va., for export found unreasonable. Reparation awarded.

Albuquerque Paint & Glass Works v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 603.

952. Rate charged on a carload of plate glass, in cases, from Los Angeles, Calif., to Albuquerque, N. Mex., found inapplicable and the applicable rate found not unreasonable. Reparation awarded.

Majestic Coal Mining Co. v. Atchison T. & S. F. Ry. Co., 163 I. C. C. 605.

953. Rates on coal, in carloads, from Midland and Montreal, Ark., to destinations in Oklahoma found unreasonable. Basis for reasonable rates prescribed for the future.

Jones & Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 611.

954. Rate charged on a carload of wooden ironing boards, folded flat, in wooden cabinets, from Los Angeles, Calif., to Louisville, Ky., found inapplicable. Applicable rate found unreasonable. Waiver of outstanding undercharges to basis indicated in the report authorized. Complaint dismissed.

Vencer Mfg. Co. v. Atlantic Coast Line R. Co., 163 I. C. C. 614.

955. Rates on box shooks, in carloads, from Conway, S. C. to Fairfax, Ala., found not unreasonable. Complaint dismissed.

Standard Oil Co. v. Carolina, C. & O. Ry., 163 I. C. C. 617.

956. Rate on petroleum lubricating grease combined with wool waste and petroleum lubricating grease, in mixed carloads, and on petroleum lubricating grease combined with wool waste, in carloads, from Pittsburgh, Pa., to Birmingham, Fairfield, and Pratt City, Ala., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Dixie Sales Co. v. Aberdeen & Rockfish R. Co., 163 I. C. C. 620.

957. Rates on composition fire kindler, in carloads, from Douglas, Ga., to destinations in central, western trunk line, and trunk-line territories found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

National Petroleum Asso. v. Baltimore & O. R. Co., 163 I. C. C. 625.

958. Upon further hearing, finding in original report, 126 I. C. C. 11, as to rates for the future, reversed. Rates on bituminous coal, in carloads, from mines in Pennsylvania and West Virginia to Warren and other points in Pennsylvania grouped therewith, for the future found unreasonable but not otherwise unlawful. Reasonable rate prescribed.

Vulcan Detinning Co. v. Akron, C. & Y. Ry Co., 163 I. C. C. 631.

959. Rates on tin-plate scrap, in carloads, from points in central, eastern trunk line, New England, and other territories to Sewaren and Carteret, N. J., Neville Island, Pa., and East Chicago and Streator, Ill., found not unreasonable or otherwise unlawful. Complaints dismissed.

National Mortar & Supply Co. v. Pennsylvania R. Co., 163 I. C. C. 637.

960. Rates charged on agricultural limestone, in carloads, from Gibsonburg, Ohio, to Douglass and Jacobs Creek, Pa., found unreasonable. Reparation awarded.

Ontonagon Fibre Co. v. Chicago, M., St. P. & P. R. Co., 163 I. C. C. 639.

961. Carload rate charged on wood-pulp board from Ontonagon, Mich., to Menasha, Wis., found unreasonable. Reparation awarded.

Kewaunee Mfg. Co. v. Chicago, St. P., M. & O. Ry. Co., 163 I. C. C. 641.

962. Ratings and rates on aquariums, in carloads, from Minneapolis, Minn., to Kewaunee, Wis., found unreasonable. Reparation awarded.

Mason City Brick & Tile Co. v. Chicago, M., St. P. & P. R. Co., 163 I. C. C. 643.

963. Rate on hollow building tile, in carloads, from Mason City, Iowa, to Biloxi, Miss., found not unreasonable or otherwise unlawful. Complaint dismissed.

Yavapai Onyx Mining Corp. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 646.

964. Rates and minimum weights on rough-quarried onyx marble, in carloads, from Mayer, Ariz., to Dubuque and Dyersville, Iowa, not shown to have been or to be unreasonable or otherwise unlawful. Complaint dismissed.

Acme Brick Co. v. Abilene & Southern Ry. Co., 163 I. C. C. 649.

965. Upon reconsideration, finding in former report herein, 160 I. C. C. 611, that rates on brick, and other clay products, in carloads, from certain points in Texas, Oklahoma, and Arkansas, to points in New Mexico are unreasonable and unduly prejudicial, modified in part.

Rex Drilling Co. v. Missouri Pac. R. Co., 163 I. C. C. 651.

966. Rate charged on a carload of pipe from Sicard, La., to Sunny South, Ala., found unreasonable. Transfer charge and rate charged on a carload of well-boring machinery from and to same points found inapplicable. Applicable rate found unreasonable. Reparation awarded and waiver of undercharges authorized.

Rinella-Battaglia & Co. v. Seaboard Air Line Ry. Co., 163 I. C. C. 655.

967. Rate charged on a carload of potatoes, in barrels, from Lewiston, N. C., to Amsterdam, N. Y., found inapplicable. Applicable rate found unreasonable but not otherwise unlawful. Present rate found not unreasonable or otherwise unlawful. Waiver of undercharges to the basis found reasonable herein authorized.

968. Defendants' failure to maintain estimated weight provisions in connection with certain of the rates assailed, found not unreasonable. Complaint dismissed.

Edgar & Son v. Baltimore & O. R. Co., 163 I. C. C. 659.

969. Rates on sugar, in carloads, from Chamberlin, Westover Spur, and Killona, La., to points in Indiana, Ohio, and Michigan found not unreasonable or otherwise unlawful. Complaint dismissed.

Bay State Milling Co. v. Ann Arbor R. Co., 163 I. C. C. 664.

970. Rates charged on grain, in carloads, from Minneapolis, Belle Chester, Goodhue, Hastings, and Zumbrota, Minn., accorded transit at Winona, Minn., and the grain or product forwarded to destinations east of the Illinois-Indiana line found inapplicable but not unreasonable. Reparation awarded.

Waterloo, C. F. & N. Ry. Co., v. Chicago & N. W. Ry. Co., 163 I. C. C. 667.

971. Routing restriction on iron and steel articles, in carloads, from Steelton, Minn., to all destinations on the Chicago, St. Paul, Minneapolis & Omaha and the Chicago & North Western found not in violation of the order in *Restriction in Routing Iron and Steel Articles*, 147 I. C. C. 282, or section 208 (a) and (b) of the transportation act, 1920. Complaint dismissed.

Bedford Pulp & Paper Co. v. Chesapeake & O. Ry. Co., 163 I. C. C. 670.

972. Rates on bituminous coal, in carloads, from mines in the New River district of West Virginia to destinations in Virginia found unreasonable. Reasonable rates prescribed and reparation awarded.

Eggers Pole & Supply Co. v. Northern Pac. Ry. Co., 163 I. C. C. 680.

973. Rates charged on lumber, cedar poles, and lath, in carloads, from points in Montana, Idaho, and Canada to certain destinations in Michigan and Ohio found inapplicable. Reparation awarded.

Los Angeles Soap Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 684.

974. Rates on soap and soap products, in carloads, from Los Angeles, Calif, to certain points in Arizona found not unreasonable in the past but unreasonable for the future. Reasonable rates prescribed. Reparation denied.

975. Rates to certain other points in Arizona and in New Mexico found not unreasonable.

Reciprocal switching charges, 163 I. C. C. 689.

976. On further hearing, proposed increased interstate reciprocal-switching charge at South Bend, Ind., found justified. Proceeding discontinued. Finding in original report, 156 I. C. C. 410, reversed.

Dodge County Lumber Co. v. Southern Ry. Co., 163 I. C. C. 695.

977. Charges collected on shipments of crossties and lumber, in straight carloads, from points in Georgia to Brunswick and Savannah, Ga., for movement by water to interstate destinations, found applicable on some shipments and inapplicable on others. Reparation awarded.

Hill Motor Car Co. v. Michigan Central R. Co., 163 I. C. C. 699.

978. Rate charged on passenger automobiles, in carloads, from Detroit, Mich., to Miami, Fla., found inapplicable. Applicable rate found not unreasonable or otherwise unlawful. Reparation awarded.

North American Cement Corp. v. Aberdeen & Rockfish R. Co., 163 I. C. C. 701.

979. Upon further hearing, former report 153 I. C. C. 431, rates on lime and ground limestone, in carloads, from Martinsburg and Berkeley, W. Va., to destinations in Virginia found unreasonable and unduly prejudicial. Rates on lime within Virginia found unjustly discriminatory against interstate commerce. Former findings modified. Undue prejudice and unjust discrimination order removed and reasonable rates prescribed.

Through routes and joint rates, 163 I. C. C. 716.

980. Upon reconsideration, original findings modified to provide (a) that no barge-rail rate or rail-barge-rail rate established thereunder shall be lower than the all-rail rate between the inland point of origin or destination and the port of interchange with the barge line and (b) that barge-rail rates between Mobile, Ala., and points in southern territory shall be no higher than the corresponding barge-rail rates between New Orleans, La., and the same points. Former order amended. Prior reports, 153 I. C. C. 129, 156 I. C. C. 141, and 161 I. C. C. 207.

981. Proposed barge-rail rates between New Orleans, La., and Mobile, Ala., on the one hand, and points in southern territory on the other hand, found justified, except rates which result in departures from the long-and-short-haul provision at Mobile. Rates found not justified required to be canceled without prejudice to publication of new rates in accordance with findings herein. Proceedings discontinued.

Lumber and forest products, 163 I. C. C. 721.

982. Proposed changes in proportional rates on lumber and forest products taking the same rates, in carloads, from Kewaunee and Manitowoc, Wis., and Manistique and Menominee, Mich., to central territory, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Classification of paints and varnishes, 163 I. C. C. 725.

983. Proposed increases and reductions in the carload and less-than-carload ratings in official, southern, and western classifications on paints, lacquers, and varnishes, and related commodities found justified. Order of suspension vacated and proceeding discontinued.

White Eagle Oil & Refining Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 734.

984. Upon reconsideration findings in former report, 152 I. C. C. 169, modified. Rates on gasoline and other refined oils taking the same rates in carloads, from points in Missouri, Kansas, Oklahoma, and north Texas, to Sleepy Eye, Tracy, Redwood Falls, and Belview, Minn., found unreasonable. Reasonable rates prescribed and reparation awarded.

985. Finding in former report that rates on like traffic from the same points of origin to Belview, Minn., are not unreasonable, reversed.

986. Basis of reasonable rates on fuel oil and other low-grade petroleum products taking the same rates, in carloads, from and to the same points, prescribed in former report, affirmed.

Home Lumber Co. v. Louisville & N. R. Co., 163 I. C. C. 741.

987. Rate charged on 15 carloads of lumber from Clanton, Ala., to Roanoke, Va., found not unreasonable or otherwise unlawful. Complaint in No. 17548 dismissed.

988. Rates charged on two carloads of lumber from Fulton, Ala., to Rocky Mount, Va., found unreasonable and reparation awarded. Present rates on same traffic found not unreasonable or otherwise unlawful.

Borders v. Chicago & N. W. Ry. Co., 163 I. C. C. 745.

989. Rates charged on stock or feeder cattle, in carloads, from Sioux City, Iowa, to Fremont, Nebr., found not unreasonable.

990. Rate charged on stock or feeder cattle and stock or feeder calves, in carloads, from Belvidere, S. Dak., to Fremont, Nebr., found inapplicable. Applicable rate found unreasonable. Waiver of outstanding undercharges authorized. Reasonable rates for the future prescribed and reparation awarded.

991. Rate charged on stock or feeder cattle, in carloads, from Platte, S. Dak., to Fremont, Nebr., found unreasonable. Reasonable rate for the future prescribed and reparation awarded.

Mountain Valley Water Co. v. New York, C. & St. L. R. Co., 163 I. C. C. 753.

992. Rates charged on returned empty iron or steel drums, in less than carloads, from Buffalo, N. Y., and, in carloads, from Indianapolis, Ind., to Hot Springs, Ark., found applicable.

993. Rate charged on the same commodity, in carloads, from Detroit, Mich., to Hot Springs, Ark., found inapplicable. Reparation awarded.

New England Milk Rate Committee v. Boston & A. R., 163 I. C. C. 757.

994. Rates on milk, cream, and other dairy products between points in New England found to be in conformity with the findings in *Milk and Cream between New England Points*, 126 I. C. C. 39. Complaint dismissed.

Apache Powder Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 759.

995. Rates on nitrate of soda, in carloads, from San Pedro and Wilmington, Calif., to Curtiss, Ariz., found not unreasonable. Rate on same commodity from East San Pedro, Calif., to same destination found unreasonable prior to May 27, 1927, but not thereafter. Reparation awarded.

Moore Dry Kiln Co. v. Seaboard Air Line Ry. Co., 163 I. C. C. 764.

996. Rates on dry-kiln material, in carloads, from Jacksonville, Fla., to Monroe and Clarks, La., found not unreasonable. Complaint dismissed.

Missouri Portland Cement Co. v. St. Louis-S. F. Ry. Co., 163 I. C. C. 767.

997. Rate charged on gravel, in carloads, from Bigbee, Miss., to Buntyn, Tenn., found inapplicable. Reparation awarded.

Cosden Pipe Line Co. v. Chicago, R. I. & P. Ry. Co., 163 I. C. C. 769.

998. Rate on wrought-iron or steel pipe, in carloads, from Memphis, Tenn., originally consigned to Tulsa, Okla., but diverted in transit to Wewoka, Okla., found inapplicable. Applicable rate found unreasonable. Reparation awarded.

Smith & Co. v. New Orleans & N. E. R. Co., 163 I. C. C. 771.

999. Carload rate on steel rails from Poplarville, Miss., to Avondale, Ala., found applicable and not shown to have been unreasonable or otherwise unlawful. Complaint dismissed.

Smith Agency v. Baltimore & O. R. Co., 163 I. C. C. 774.

1000. Carload rate on graphite ore from Torres and Moreno, Sonora, Mexico, to Birmingham, Ala., and Cincinnati, Ohio, found not unreasonable or otherwise unlawful. Complaint dismissed.

Community Natural Gas Co. v. Atchison, T. & S. F. Ry. Co., 163 I. C. C. 777.

1001. Rates on cast-iron case gas meters, in carloads and in mixed carloads with gas regulators, from Erie and Wilkinsburg, Pa., to Texas destinations found not unreasonable. Complaint dismissed.

Wizard v. Chicago & N. W. Ry. Co., 163 I. C. C. 781.

1002. Rate applicable on a carload of fir mop and broom handles, finished but without metal fixtures, from New Era, Oreg., to Chicago, Ill., found unreasonable. Waiver of collection of the outstanding undercharges authorized, and complaint dismissed.

Springfield Wagon & Trailer Co. v. Missouri Pac. R. Co., 163 I. C. C. 783.

1003. Rates charged on farm wagons, in carloads, from Springfield, Mo., to Memphis, Tenn., found applicable. Complaint dismissed.

Smith v. Illinois Central R. Co., 163 I. C. C. 785.

1004. Carload rate charged on lumber from Durant, Miss., to Helena, Ark., found inapplicable. Applicable rate found reasonable. Reparation awarded.

Nutrena Feed Mills v. Chicago, B. & Q. R. Co., 163 I. C. C. 789.

1005. Rate charged on a portion of a carload of poultry and stock feed from Kansas City, Mo., to Macomb, Ill., found applicable. Complaint dismissed.

Advertiser's Mfg. Co. v. Chicago & N. W. Ry. Co., 163 I. C. C. 792.

1006. Ratings and rates on advertising caps, in less than carloads, from Ripon, Wis., to numerous destinations in official, southern, and western territories found unreasonable prior to February 1, 1929, but not unreasonable subsequent thereto. Reparation awarded.

Exceptions to rule 10 of official classification, 163 I. C. C. 795.

1007. Proposed cancellation of tariff rule governing collection of charges on mixed-carload shipments found not justified, but without prejudice to the filing of new schedules in conformity with the views expressed herein. Suspended schedules ordered concealed and proceeding discontinued.

Sammons & Son v. Missouri Pac. R. Co., 163 I. C. C. 801.

1008. Rates charged on sewer pipe, in carloads, from St. Louis, Mo., and Pittsburg, Kans., to Hot Springs, Ark., found unreasonable. Reparation awarded.

Western trunk-line class rates, 164 I. C. C. 1.

1009. General level of class rates in western trunk-line territory found relatively low, and increase therein found justified.

1010. Western trunk-line respondents found entitled to the increased revenues expected to be yielded by the increased class rates herein found justified, because of their financial condition, and because this class-rate traffic can reasonably bear such rates.

1011. Economic condition in western trunk-line territory of the agricultural industry is considerably improved, but agriculture has not fully recovered from the postwar depression, while other industries are generally in a better condition. Western trunk-line territory generally believed able to bear these increased class rates. No increase permitted on certain ordinary agricultural products, as specified in report.

1012. Dual scale of class rates suggested by certain shipper interests, with one set for less-carloads and another for carloads, believed not feasible for western trunk-line territory alone for practical reasons, and not founded upon sound basis.

1013. Manner of construction and mode of progression in distance scales of class rates prescribed represent modifications of those features in southwestern scale. Progression is more constant.

1014. Respondents required to publish tariffs containing rate tables providing for 23 classes on specified percentages of class 1. Percentages prescribed for 10 classes heretofore existing are the same as in southwestern scale, except 37.5 instead of 40 per cent for class 5.

1015. Distances over shortest possible route over which carload traffic can be interchanged without transfer of lading prescribed for use in determining rates made on distance basis, except as noted. Car-ferry routes and distances across Lake Michigan should be treated same as rail routes and distances.

1016. Grouping of points authorized to the extent specified. Except to that extent, respondents' proposed grouping of Missouri River cities, and of Milwaukee, Wis., with Chicago, Ill., found unduly preferential and prejudicial.

1017. Western trunk-line territory, exclusive of designated parts of eastern and southeastern Wisconsin, divided into three zones for rate-making purposes, decided upon differences in average conditions.

1018. Maximum reasonable distance scales of class rates prescribed for application within the respective western trunk-line zones, and for application inter-zone by addition of differentials.

1019. Intrastate class rates and classification exceptions within western trunk-line States are under consideration by respective State commissions. Latter are cooperating with us. Therefore, except as to Kansas, there are no compelling reasons for findings under section 13 of the interstate commerce act until they have had reasonable opportunity to exercise their judgment. Kansas situation has been presented in later cases and will be disposed of in separate report.

1020. Maximum reasonable specific key rates prescribed between designated key points in western trunk-line rate zones and official territory, respectively, covering the longer hauls, with provision for grouping intermediate and related points.

1021. Maximum reasonable distance scales of class rates and differentials prescribed for constructing interterritorial joint rates between points in western trunk-line rate zones on the one hand and, on the other, Wisconsin embraced in extended zone C and Illinois territory and official territory not covered in the preceding paragraph.

1022. Maximum reasonable class rates prescribed between parts of Wisconsin embraced in (a) extended zone C and (b) Illinois territory on the one hand, and on the other official territory and Illinois, on same bases as fixed in *Eastern Class Rate Investigation* to and from points in (a) Michigan zone C and (b) Illinois, respectively, with key rates for relatively longer hauls and distance basis for shorter hauls.

1023. Joint lake-rail interterritorial class rates between western trunk-line and official territories on a related and harmonious adjustment are essential in order to avoid widespread undue prejudice. Record found inadequate upon which to prescribe basis. Respondents expected to establish such rates in conformity with conclusions stated in report.

1024. Record found inadequate upon which to determine basis for all-rail class rates between western trunk-line and southern territories.

1025. Record found inadequate upon which to determine basis for all-rail class rates between western trunk-line and southern territories.

1026. Lawful relations in joint barge-rail class rates as between Fargo, N. Dak., and Twin Cities on traffic from New Orleans, La., and Vicksburg, Miss., can not be determined because of inadequacy of record.

1027. Western classification prescribed for governing interterritorial class rates between western trunk-line rate zones and all territory east thereof; and official classification between Wisconsin east of Zone I and official territory and Illinois.

1028. Class rates under consideration found not unreasonable in the past. No damage shown by reason of any undue prejudice which may have existed. Prayers for reparation in complaints embraced in report denied.

1029. Applications for relief from fourth section of interstate commerce act protecting class rates under consideration and embraced in this report, denied because of failure to justify. Appropriate order entered. Upon seasonable applications by respondents, consideration will be given to the granting of relief covering the revised rates.

1030. No finding made with respect to present interstate exceptions to classification and less-carload commodity rates, because of lack of evidence.

1031. Maximum reasonable rates prescribed on certain articles now moving in carloads under class rates affording rates on specified percentages of class 1 which are lower than under present full classification basis.

1032. Certain agricultural products now moving in carloads under class rates, accorded continuance of present rates subject to rates herein prescribed as maximums. Similar basis, limited as specified, provided for excelsior and excelsior pads, in carloads.

1033. Specific maximum reasonable rates prescribed on certain paper articles, in carloads, to Kansas City, Kans., from Cincinnati and other Ohio points, and from Three Rivers, Mich.

1034. Complainants desiring to proceed further with allegations in their complaints embraced in this report, but beyond scope of these proceedings, required to file amended complaints.

1035. No general order giving effect to findings will be entered, pending advice from respondents. It is expected that entire all-rail rate adjustment required, intraterritorially and interterritorially, will be made effective same date; and November 1, 1930, fixed. Lake-rail rates expected to be established not later than the opening of season of navigation on the Great Lakes in 1931.

Kansas City Chamber of Commerce v. Atchison, T. & S. F. Ry. Co., 164 I. C. C. 302.

1036. Class rates between points in Kansas and Kansas City and St. Joseph, Mo., and Omaha, Nebr., found unreasonable to extent indicated in report.

1037. Circumstances and conditions surrounding the intrastate transportation of class-rate traffic in Kansas found substantially similar to those surrounding interstate transportation between Kansas and complaining localities in Missouri and Nebraska.

1038. Intrastate class rates in Kansas on traffic of same nature as that which moves on class rates between Kansas and Kansas City, St. Joseph, Omaha, and Beatrice, Nebr., found unduly prejudicial to complaining interstate shippers and localities, and unduly preferential of intrastate shippers and localities in Kansas.

1039. Intrastate class rates in Kansas on traffic of same nature as that which moves on class rates between Kansas and Kansas City and St. Joseph, found unjustly discriminatory against interstate commerce.

1040. Unlawful situations ordered removed.

Eastern class-rate investigation, 164 I. C. C. 314.

Upon general investigation on commission's own motion of interstate class rates within official territory; *Found*:

1041. That, for the future, class rate tariffs in official territory should contain 23 columns of rates, bearing the following percentage relations to first class: 100, 92.5, 85, 77.5, 70, 65, 60, 55, 50, 45, 40, 37.5, 35, 32.5, 30, 27.5, 25, 22.5, 20, 17.5, 16, 14.5, 13.

1042. That the present principal classes should bear the following percentage relations to first class: First, 100; second, 85; rule 25 and third, 70; rule 26, 55; fourth, 50; fifth, 35; sixth, 25.

1043. That except as otherwise indicated maximum reasonable class rates for standard lines will be rates based on the distance scale set forth in Appendix E.

1044. That in computing distances for the application of the distance scales prescribed herein, the shortest routes shall be used over which carload traffic can be moved without transfer of lading.

1045. That maximum reasonable class rates between points in zone A in New England will be rates based on the distance scale set forth in Appendix G.

1046. That maximum reasonable class rates between points in zone B in New England will be rates based on the distance scale set forth in Appendix H, and between such points and points in zone A in New England, rates based on the distance scale set forth in Appendix G plus arbitraries shown in Appendix F.

1047. That maximum reasonable class rates between points in trunk-line territory on the one hand, and points in zone B in New England, certain branch-line points on the New York Central and Delaware & Hudson in northern New York, points on the Baltimore & Ohio and Western Maryland south of the main line of the Baltimore & Ohio in trunk-line territory, and points on the

Greenbrier division and the Ashland-Louisville line of the Chesapeake & Ohio, on the other hand, will be rates based on the distance scale set forth in Appendix E plus arbitraries shown in Appendix F.

1048. That maximum reasonable rates between points on certain branch lines of the Virginian, Chesapeake & Ohio, and Norfolk & Western in Virginia, West Virginia, and Kentucky, on the one hand and other points in official territory on the other hand, will be rates to and from junction points plus arbitraries set forth in Appendix I for distances included in such branch lines.

1049. That maximum reasonable class rates for application between points in zone C in Michigan and other points in central territory will be rates set forth in Appendix E plus arbitraries shown in Appendix F.

1050. That the key rates set forth in Appendix J will be maximum reasonable rates for application between points listed therein, covered mostly interterritorial movements between central territory on the one hand and trunk-line territory and New England, on the other hand.

1051. That fresh domestic fruits and vegetables, and hay, moving on class rates in official territory are affected by depression and should be excepted from any increases in rates in this proceeding, and that rates on dairy products, including oleomargarine, should remain unchanged pending disposition of formal complaints involving those commodities.

1052. That maximum reasonable rates to, from, or between points on lines other than standard lines, as defined on the report, will be the rates prescribed for standard lines, plus distance arbitraries similar to those shown in Appendix F, but not necessarily the same in amounts.

1053. That maximum class rates to and from New York, N. Y., and its environs should be constructed as described in Appendix K.

1054. That in computing rates over routes including an interchange movement across New York Harbor (a) 30 miles should be added to all-rail distances where the distance is figured over the New York, New Haven & Hartford, and (b) 20 miles should be added where the distance is figured over the New York Central.

1055. That maximum class rates to and from points in the Baltimore and Philadelphia groups should be based on actual distances to certain named key points plus 10 miles.

1056. That maximum reasonable rail-lake class rates between New England, trunk-line, and border points on the one hand and Lake Michigan ports on the other hand over standard routes will be 90 per cent of the corresponding all-rail rates, subject to a maximum differential of 16 cents on first class.

1057. That maximum reasonable rates between Baltimore, Md., and points on the Delaware-Maryland-Virginia peninsula over water-rail routes via Love Point, Md., should be based on actual short-line distances over such routes.

Sinclair Oil & Gas Co. v. Chicago, R. I. & G. Ry. Co., 164 I. C. C. 484.

1058. Upon further hearing, method of computing distances prescribed in the original report, 147 I. C. C. 561, modified in the case of shipments made over the shortest route specifically set forth in the tariff or authorized by carriers or a shorter route.

Fitchburg Gas & Electric Light Co. v. Boston & M. R., 164 I. C. C. 487.

1059. Present carload rate on bituminous coal, ex-vessel, from Salem to Fitchburg, Mass., found not unreasonable or otherwise unlawful. Former report, 147 I. C. C. 145.

1060. Charge of New York, New Haven & Hartford for switching the above-described traffic from the Boston & Maine interchange to complainant's plant in Fitchburg found not unreasonable or otherwise unlawful. Complaint dismissed.

Mystic Iron Works v. New York, N. H. & H. R. Co., 164 I. C. C. 498.

1061. Rates on pig iron, in carloads, from Everett, Mass., over interstate routes, to destinations in Massachusetts, Rhode Island, Connecticut, Maine, New Hampshire, and Vermont found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

San Diego Oil Products Corp. v. Holton I-U. R. Co., 164 I. C. C. 505.

1062. Carload rates charged on cottonseed from Holtville, Calif., to Potash, Calif., and on cottonseed oil from Yuma, Ariz., to Potash, Calif., found unreasonable. Reparation awarded.

Rockland & Rockport Lime Corp. v. Maine Central R. Co., 164 I. C. C. 511.

1063. Aggregates of the charges of the Lime Rock Railroad on interstate traffic to and from points on that line in Rockland and the line-haul rates to and from the Maine Central junction in Rockland, found not unreasonable or otherwise unlawful.

1064. Rates to and from Maine Central interchange with the Lime Rock Railroad in Rockland, Me., found not unreasonable or otherwise unlawful.

1065. Complaint dismissed.

Smith Agency v. Atlantic Coast Line R. Co., 164 I. C. C. 517.

1066. Rate charged on two carloads of pulpboard from Hartsville, S. C., to Babbitt, N. J., found inapplicable. Applicable rate found not unreasonable. Refund of overcharges directed. Complaint dismissed.

1067. Rates charged on pulpboard, in carloads, from Hartsville to Long Island City, N. Y., found applicable and not unreasonable. Complaint dismissed.

1068. Rate on pulpboard, in carloads, from Roanoke Rapids, N. C., to Newark, N. J., and Brooklyn, Long Island City, Maspeth, and New York, N. Y., found not unreasonable. Complaint dismissed.

Atkinson Milling Co. v. Ann Arbor R. Co., 164 I. C. C. 523.

1069. Reshipping and proportional rates on grain products, in carloads, from Illinois junctions to destinations east of the Indiana-Illinois State line, applicable to grain products milled at Minneapolis and Red Wing, Minn., from grain originating in trans-Mississippi River territory found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

1070. Suspended schedules containing increases in these rates and rates on like traffic milled at other points in northwest territory found not justified and ordered canceled.

Brown v. Chicago G. W. R. Co., 164 I. C. C. 529.

1071. Rates charged on corn and wheat in carloads from Bondurant, Dewar, and Dunkerton, Iowa, to Chicago, Ill., and Kansas City, Mo., found inapplicable. Reparation awarded.

Alton Brick Co. v. Terminal R. Asso. of St. Louis, 164 I. C. C. 531.

1072. Demurrage charges collected on interstate shipments of various commodities at St. Louis, Mo., not found inapplicable. Complaint dismissed.

Green Bay Asso. of Commerce v. Atchison, T. & S. F. Ry. Co., 164 I. C. C. 533.

1073. Rates on iron and steel articles, in carloads, from Chicago, North Chicago, Waukegan, Joliet, and DeKalb, Ill., and Buffington and Gary, Ind., to Green Bay, Wis., found not unreasonable or otherwise unlawful. Complaint dismissed.

Arnstein Simon & Co., v. Atchison, T. & S. F. Ry. Co., 164 I. C. C. 541.

1074. Upon rehearing finding in original report, 152 I. C. C. 292, affirmed in part. Rate on woolen cloth in the original piece, in less than carloads, from New York, N. Y., to San Francisco, Calif., found not unreasonable. Complaint dismissed.

Illinois Coal Traffic Bureau v. Alton & Eastern R. Co., 164 I. C. C. 543.

1075. Rates on bituminous coal, in carloads, from Illinois and Indiana mines to certain destinations in southern Wisconsin found unreasonable. Reasonable rates prescribed. Rates to other destinations in Wisconsin and to Minnesota destinations found not unreasonable or unduly prejudicial.

1076. Rates on bituminous coal, in carloads, from Illinois mines to Fargo, N. Dak., found not unreasonable, and on lump coal found not unduly prejudicial. Rates on fine coal from the same mines to Fargo found unduly prejudicial. Undue prejudice ordered removed.

Ceramic Traffic Asso. v. Pennsylvania R. Co., 164 I. C. C. 563.

1077. Upon further hearing five additional complainants awarded reparation on shipments of glass sand and ground flint, in carloads, from points in Pennsylvania to destinations in New Jersey, and from points in West Virginia to destinations in Pennsylvania and New Jersey based upon the finding of unreasonableness in original report, 153 I. C. C. 734. Complaint dismissed as to remaining complainants for want of prosecution.

Consolidated Southwestern Cases, 164 I. C. C. 565.

1078. Reasonable groupings and differentials prescribed in connection with the rates on the traffic embraced in these proceedings between the Southwest and Wisconsin points other than Milwaukee, Kenosha, and Racine. Rates from and to the latter points prescribed in 148 I. C. C. 613.

1079. Iron or steel railway material, linseed oil, magnesite stucco (including constituent parts), crushed slate, mineral-earth black, blackstrap molasses, wood pulp, retarder, and sal-ammoniac skimmings, in carloads, excepted from the application and requirements of the prior findings.

1080. Petitions by certain shippers for elimination from these proceedings of "shells, clam, mussel, or oyster; whole, broken, crushed, or ground, in straight or mixed carloads," denied.

1081. Prior finding, 123 I. C. C. 203, modified by prescription of column 30, in lieu of class B (column 32½), rates as maximum reasonable rates for application to stoneware, in carloads, from and to the points embraced in these proceedings.

1082. Vinegar stock (crude juice of low-grade apples), in carloads, excepted from the application and requirements of the prior findings. Suspended schedules ordered canceled.

1083. Prior reports, 123 I. C. C. 203, 139 I. C. C. 535, 144 I. C. C. 630, 147 I. C. C. 165, 148 I. C. C. 282, 148 I. C. C. 613, 155 I. C. C. 504, and 159 I. C. C. 93.

Waste Material Dealers Asso. of Arkansas v. Chicago, R. I. & P. Ry. Co., 164 I. C. C. 587.

1084. Rates on scrap iron and steel, in carloads, applicable to interstate shipments from, to, and between points in the Southwest, subject to a carload minimum of 50,000 pounds, found unreasonable for the future to the extent that they exceed 15 per cent of the corresponding first-class (column 100) rates prescribed in *Consolidated Southwestern Cases*, 123 I. C. C. 203.

1085. Reasonable alternative rates on the same commodity from, to, and between the same points found for the future to be rates which, subject to a 75,000-pound minimum, do not exceed 12.5 per cent of the corresponding first-class (column 100) rates prescribed in *Consolidated Southwestern Cases*, *supra*. Reasonable alternative rates prescribed.

1086. Findings in prior reports, 123 I. C. C. 203 and 152 I. C. C. 41, modified on further hearing.

Intrastate rates within Louisiana, 164 I. C. C. 600.

1087. The maintenance of the present intrastate rates between points in Louisiana on and west of the Mississippi River, including points on both banks thereof, on bagging and ties, bags and bagging, green coffee, fertilizer and fertilizer materials, furniture, glass bottles and jars, molasses and sirups, sugar, and vinegar, in carloads; the maintenance of the present intrastate rates between the said Louisiana points on fertilizer and fertilizer materials, grain and grain products, and petroleum and its products, in less than carloads; the maintenance of intrastate rates on classes and commodities between New Orleans, La., and points in Louisiana on a straight mileage basis instead of on a group basis; and the use in constructing intrastate rates in Louisiana of 20 constructive miles for Mississippi River crossings, not shown to have caused or to cause any undue preference or prejudice as between persons or localities in intrastate commerce on the one hand and interstate or foreign commerce on the other, or any unjust discrimination against interstate commerce. Proceeding discontinued.

Grain and grain products within western district and for export, 164 I. C. C. 619.

1088. Rates and practices affecting the transportation of grain and grain products throughout the western district, from that district to all ports of export, and from Lake Erie ports to Atlantic ports (as part of a lake-and-rail transportation) reviewed under the interstate commerce act and the Hoch-Smith resolution, and a general readjustment required.

1089. Dual system of proportional rates and transit balances outbound from primary markets results in undue preference of shippers under the transit balances and undue prejudice to shippers under the higher proportional rates. Rates through primary markets required to be made exclusively on the rate-break basis of flat rates into the markets and proportional rates beyond, and

overhead through rates less than the market combinations required to be canceled.

1090. Reasonable through rates prescribed and, when made through the primary markets from which there are proportional rates, broken back into combinations of flat rates into the primary markets and proportional rates beyond.

1091. Relation of proportional rates from Omaha, Kansas City, and St. Louis to Memphis and New Orleans, and from Kansas City, Omaha, and Sioux City to Minneapolis and Duluth, substantially revised.

1092. Requests of Wichita, Kans., and Grand Forks, N. Dak., for the prescription of outbound proportional rates denied.

1093. Rates on coarse grains are now the same as on wheat west of the Rocky Mountains and in Illinois, and 90 per cent of the rates on wheat in the remainder of the western district. One rate prescribed for application on both wheat and coarse grains throughout the entire western district and in Illinois.

1094. Rates on grain products, including flour, are higher than on grain from which the products are made in some of the territory west of the Rocky Mountains, and on some transcontinental shipments to the Pacific coast and are the same as on the grain from which the products are made throughout the remainder of the western district. One rate prescribed for application on grain and grain products throughout the entire district.

1095. Bran, shorts, and middlings move out of transit points on the transit balances of through rates on wheat in some instances and on the transit balances of through rates on coarse grains in others. The one basis herein prescribed for both wheat and coarse grains will correct existing inequalities in this respect.

1096. Mixed feeds containing articles other than the direct products of grain are not entitled to move out of primary markets at proportional rates, or out of transit points at the transit balances of through rates, applicable on grain and grain products.

1097. Rates on flaxseed prescribed on basis of 112 per cent of the contemporaneous rates on wheat.

1098. Bases of rates on farm seeds revised.

1099. Transit stops without separate charge limited to two for milling or other treatment plus one for inspection, additional stops for other than inspection to be paid for at the rate of 2 cents per hundred pounds for each stop.

1100. Transit is included in the line-haul rate in all parts of the western district except in some parts of the Northwest. The rates prescribed herein will include transit in the line-haul rate in all parts of the western district.

1101. Transit tariffs should be thoroughly overhauled and present grants of transit, out-of-line, and back hauls beyond the point of reasonable competitive necessity eliminated.

1102. Transit regulations should be published in transit circulars separate from the tariffs of rates in connection with which the regulations are to be applied.

1103. Storage in transit of grain products not still in the process of manufacture should be discontinued.

1104. So-called unit rule for mixed-carload shipments found to be unlawful.

1105. Request of Minneapolis for transit under the rate to Duluth from North Dakota and Montana, from which the rates to Minneapolis and Duluth are the same, based on the location of Minneapolis directly intermediate to Duluth on the route of the Chicago, Milwaukee, St. Paul & Pacific, denied, and the combination of flat rates to Minneapolis and the proportional rate beyond found to be the proper basis of charge under the rate-breaking system of making rates through primary markets herein prescribed.

1106. Previous finding that the rates to Portland, Oreg., should be 10 per cent lower than to Puget Sound ports from points south of the Snake River in Washington and Oregon affirmed.

1107. Readjustments required in numerous specific situations presented upon this record and by formal complaints and investigation and suspension proceedings consolidated therewith.

1108. One basis for both export and domestic shipments prescribed for application to Texas Gulf ports and north Pacific coast ports.

1109. Export differentials to Galveston under New Orleans from designated areas in Texas, Oklahoma, and Kansas prescribed.

1110. Relation of export rates from St. Louis, Chicago, and Missouri River markets to New Orleans and Baltimore revised.

Berney-Bond Glass Co. v. Delaware, L. & W. R. Co., 165 I. C. C. 1.

1111. Rate on old wooden crates, in carloads, from Newark, N. J., to Clarion, Pa., found unreasonable. Reparation awarded.

Restriction in routing, 165 I. C. C. 3.

1112. Proposed elimination of the Greenwood extension of the Georgia & Florida Railroad as an intermediate participating carrier in joint rates over the Clinchfield Railroad, Georgia Railroad, and the Atlantic Coast Line Railroad found not justified. Suspended schedules ordered canceled and proceedings discontinued.

Switching charges at Seattle, 165 I. C. C. 19.

1113. Proposed increased switching charges on cars over 42 feet in length at Seattle and Tacoma, Wash., and Portland, Oreg., found not justified. Suspended schedules ordered canceled so far as applicable at the above points. Order of suspension vacated as to Spokane. Proceeding discontinued.

Grain products from Ohio and Mississippi River crossings, 165 I. C. C. 23.

1114. Schedules proposing changes in the descriptions of certain commodity groups applicable in connection with commodity rates on grain and grain products from the Ohio and Mississippi River crossings and related points to destinations in southeastern territory, found not justified. Suspended schedules ordered canceled and proceedings discontinued.

Allowance for terminal switching, 165 I. C. C. 27.

1115. Proposed allowance for terminal switching at De Kalb, Ill., found justified. Order of suspension vacated and proceeding discontinued.

Switching charges at Leavenworth, 165 I. C. C. 29.

1116. Proposed increased charges for switching at Leavenworth, Kans., found justified. Suspension order vacated and proceeding discontinued.

State Corp. Com. of Va. v. Aberdeen & Rockfish R. Co., 165 I. C. C. 31.

1117. Former findings of undue prejudice and preference affirmed with respect to rates on cotton piece goods, knitting-factory products, and hosiery, in less than carloads, from Norfolk, Va., to certain destinations in North Carolina. Undue prejudice ordered removed. Former reports, 161 I. C. C. 273, and 136 I. C. C. 173.

Willson Bros. Lumber Co. v. Albany Southern R. Co., 165 I. C. C. 35.

1118. Rates charged on lumber, in carloads, from Conway, S. C., to destinations in Virginia north of Norfolk and Richmond, and in West Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, New Jersey, and the New England States found applicable and not unreasonable or otherwise unlawful. Complaint dismissed.

National Refining Co. v. Cleveland, C., C. & St. L. R. Co., 165 I. C. C. 38.

1119. Upon further consideration finding in former report herein, 139 I. C. C. 307, modified to award reparation on certain shipments found to have been routed over the Chicago & Alton Railroad.

Rio Grande Oil Co. v. Atchison, T. & S. F. R. Co., 165 I. C. C. 41.

1120. Upon further consideration, finding of unreasonableness of rates on refined oil, in carloads, from points in southern California to destinations in Arizona modified to include rates to restinations on the Globe branch of the Southern Pacific in effect to November 1, 1926. Reparation awarded. Original report, at 159 I. C. C. 499.

Atlantic Coal Tar Distillates v. Pennsylvania R. Co., 165 I. C. C. 43.

1121. Rates on crude naphthalene, in carloads, from Philadelphia and Swedeland, Pa., Buffalo, N. Y., Youngstown, Ohio, and New Haven, Conn., to Bayway, N. J., found not unreasonable or otherwise unlawful. Complaint dismissed.

Quinto Ranch Co. v. Southern Pac. Co., 165 I. C. C. 46.

1122. Rates on feeder cattle, in carloads, from Cutter and Radium, Ariz., to Kingdon, Calif., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

D. & S. Tablet Co. v. New York Central R. Co., 165 I. C. C. 49.

1123. Rates on printed or lithographed tablet-top sheets, in carloads and in less than carloads, from Albany, N. Y., to Atlanta, Ga., found not unreasonable. Complaint dismissed.

Elvin v. Chicago & N. W. Ry. Co., 165 I. C. C. 51.

1124. Rate on a carload of slate blackboards, shipped from Minnesota Transfer, Minn., to Ames, Iowa, found applicable. Complaint dismissed.

Inland Empire Mfrs.' Asso. v. Abilene & Southern Ry. Co., 165 I. C. C. 53.

1125. Failure of defendant, the Chicago, Milwaukee, St. Paul & Pacific, to accord complainant's members transit on lumber at Spokane, Wash., under like rules and regulations and at the same transit charge as it contemporaneously accords their competitors at certain points in Illinois, Iowa, Wisconsin, Minnesota, and South Dakota, found unduly prejudicial. Undue prejudice ordered removed. The assailed charges, rules, and practices found not otherwise unduly prejudicial.

1126. Rates on lumber, in carloads, from certain points in Oregon and Washington under which transit service is accorded at points in Illinois, Iowa, Wisconsin, Minnesota, and South Dakota, but not at Spokane, found not to be in violation of section 4.

Schwartz v. Southern Pac. Co., 165 I. C. C. 64.

1127. Charges collected on dining-room furniture, in carloads, from Staunton, Va., to San Francisco and Los Angeles, Calif., found not unreasonable or unduly prejudicial. Complaint dismissed.

Platt & Brahm Coal Co. v. Chicago & N. W. Ry. Co., 165 I. C. C. 67.

1128. Upon reconsideration, carload of bituminous coal from Carbon, W. Va., to Sutherland, Iowa, found to have been assessed less than the applicable rate, and such rate found not unreasonable. Applicable reconsigning charge found unreasonable. Former report, 157 I. C. C. 340, reversed and complaint dismissed.

Dodge County Lumber Co. v. Southern Ry. Co., 165 I. C. C. 71.

1129. Rates charged on cross-ties, in carloads, from points in South Carolina, to Charleston, S. C., for movement by water beyond to interstate destinations, found applicable and not unreasonable. Complaint dismissed.

Northern Commercial Securities Co. v. Florida E. C. Ry. Co., 165 I. C. C. 74.

1130. Carload rate factor charged from Little River, Fla., to Jacksonville, Fla., on a power shovel with boom and scoop destined to Rockford, Ill., and reconsigned to Beloit, Wis., found applicable and not unreasonable. Complaint dismissed.

Manassa Timber Co. v. St. Louis-S. F. Ry. Co., 165 I. C. C. 77.

1131. Rates on piling, in carloads, from certain points in southeast Missouri and northeast Arkansas to Chester, Ill., found not unreasonable, or in violation of the long-and-short-haul clause of section 4. Certain shipments found to have been misrouted.

1132. Rates on piling, in carloads, from certain points in northeast Arkansas to Eton, De Witt, and Missouri City, Mo., found not unreasonable. Like rates from certain of these origins to Eton and De Witt found unreasonable and in violation of the fourth section of the interstate commerce act. Reasonable rates prescribed for the future.

1133. Reparation awarded.

Brown Produce Co. v. Atchison, T. & S. F. Ry. Co., 165 I. C. C. 85.

1134. Rates on potatoes, in carloads, from points in Colorado, Idaho, Utah, Wyoming, and Nebraska, to Muskogee, Okla., found not unreasonable or unduly prejudicial. Complaint dismissed.

Baffert & Leon v. Arizona Eastern R. Co., 165 I. C. C. 89.

1135. Rates on sugar, in carloads, from points in California to destinations in Arizona found unreasonable. Reparation awarded.

Omaha Metal & Rubber Co. v. Chicago & N. W. Ry. Co., 165 I. C. C. 92.

1136. Rates on scrap metals (nonferrous), in straight or mixed carloads, from Omaha, Nebr., to St. Louis, Mo., and Chicago, Ill., and points in Illinois and Indiana to which the Chicago and St. Louis rates apply, found not unreasonable or otherwise unlawful. Complaint dismissed.

Western Elaterite Roofing Co. v. Union Pac. R. Co., 165 I. C. C. 95.

1137. Rates on expansion paving joints, in carloads, from Denver, Colo., to destinations in California, Oregon, and Washington, found not unreasonable or unduly prejudicial, except that the rate of 81 cents from Denver to Oregon and Washington points is found unduly prejudicial. Undue prejudice order removed.

Muskogee Iron Works v. Chicago & A. R. Co., 165 I. C. C. 98.

1138. Rates on structural iron and steel, in carloads, from South Chicago, Ill., and Indiana Harbor, Ind., fabricated in transit at Muskogee, Okla., and reshipped to Greenville and Indianola, Miss., found unreasonable. Adjustment of outstanding undercharges authorized based upon the rates herein found reasonable. Complaint dismissed.

Northern Pole & Lumber Co. v. Minneapolis, R. L. & M. Ry. Co., 165 I. C. C. 101.

1139. Rates charged on lumber, in carloads, from Redby, Minn., to Green Island, N. Y., Detroit, Mich., and Youngstown, Ohio, found inapplicable.

1140. Rates from Redby to Chicago, Cragin, Proviso, and Zion, Ill., Perth Amboy, N. J., and Milwaukee and West Allis, Wis., found unreasonable. Reparation awarded.

Montello Granite Co. v. San Diego & A. Ry. Co., 165 I. C. C. 103.

1141. Rate on rough granite, in carloads, from Lakeside, Calif., to Montello, Wis., found not unreasonable or unduly prejudicial. Complaint dismissed.

Eastman Kodak Co. v. Central Vermont Ry. Co., 135 I. C. C. 107.

1142. Rate charged on carload shipments of a commodity billed as cotton linters from Palmertown, Conn., to Rochester, N. Y., found not unjustly discriminatory, unduly prejudicial, or otherwise unlawful. Complaint dismissed.

Standard Tile & Marble Co. v. Atchison, T. & S. F. Ry. Co., 165 I. C. C. 109.

1143. Rates on facing and flooring tile, encaustic or plain, in less than carloads, from Los Angeles, Calif., to Minneapolis and other Minnesota points in the same group, and to Eau Claire, Wis., found not unreasonable. Complaint dismissed.

Wiswell Creamery Co. v. Ry. Express Agency, 165 I. C. C. 112.

1144. Charges collected on express shipments of ice cream in dry refrigerating containers manufactured of canvas, fiber, and felt from La Junta, Colo., to points in Arizona, New Mexico, and Texas found inapplicable. Applicable charges not shown to be unreasonable or otherwise unlawful. Refund of overcharges directed. Complaint dismissed.

Middle West Coal Co. v. Chesapeake & O. Ry. Co., 165 I. C. C. 115.

1145. Switching charge collected by the Pennsylvania Railroad at Fort Wayne, Ind., on one carload of coal originating at Glo, Ky., found inapplicable. Shipment found overcharged. Applicable charge found not unreasonable. Reparation awarded.

Beatrice Creamery Co. v. Ann Arbor R. Co., 165 I. C. C. 117.

1146. Rates charged on dried buttermilk, in carloads, from points in Colorado, Wyoming, North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Kansas, and Missouri, to destinations east of the Illinois-Indiana State line, found applicable and not unreasonable or otherwise unlawful. Complaint dismissed.

Astrup Co. v. Baltimore & O. R. Co., 165 I. C. C. 119.

1147. Rate on cotton fabrics, in the original piece, in bales, in less than carloads, from Glen Raven, N. C., to Cleveland, Ohio, found not unreasonable or otherwise unlawful. Complaint dismissed.

International Cement Corp. v. Chesapeake & O. Ry. Co., 165 I. C. C. 123.

1148. Rate charged on one carload of castings, or rough grinding balls, from Peru, Ind., to New Orleans, La., for export to Cuba, found inapplicable. Reparation awarded.

Louisiana Fair Bureau Fed. v. Louisiana Ry. & N. Co., 163 I. C. C. 125.

1149. Upon reconsideration, findings in former reports herein, 136 I. C. C. 462, and 147 I. C. C. 437, that the rates charged on acid phosphate, in carloads, from New Orleans, La., to Carroll and Coushatta, La., on coastwise traffic

originating at Baltimore, Md., were not unreasonable or otherwise unlawful, except on shipments moving prior to April 10, 1923, which were overcharged, modified to the extent of finding that the failure of defendants to publish and apply the lower rate of 11.5 cents in effect from New Orleans to Shreveport on and after April 10, 1923, published subject to rule 77, was unreasonable. Reparation awarded.

Illinois Powder Mfg. Co. v. Chicago, P. & St. L. R. Co., 165 I. C. C. 127.

1150. Finding in original report, 160 I. C. C. 570, that the charges collected on one carload of high explosives, shipped from Grafton, Ill., to Milan, Tenn., were inapplicable, and order of reparation directed against the carriers which participated in the movement, affirmed.

Virginia Lumber Corp. v. Atlantic Coast Line R. Co., 165 I. C. C. 131.

1151. Rates charged on interstate shipments of lumber, stave blocks, staves, crossties, logs, and poles, in carloads from points in Georgia to Jacksonville, Fla., for Florida destinations, and to Savannah, Ga., for export or coastwise movement, found inapplicable except as indicated in the report. Reparation awarded.

Doyle-Barnes Co. v. Southern Pac. Co., 165 I. C. C. 135.

1152. Rates on imported bananas, in carloads, from El Paso, Tex., to Los Angeles, San Diego, and El Centro, Calif., found unreasonable. Reparation awarded and a reasonable rate prescribed for the future from El Paso to El Centro.

Pittston Paper Corp. v. Canadian National Ry. Co., 165 I. C. C. 141.

1153. Rate on wood pulp, in carloads, from Emundston, New Brunswick, Canada, to Forest Castle, Pa., found not unreasonable. Complaint dismissed.

Anniston Traffic Bureau v. Louisville & N. R. Co., 165 I. C. C. 146.

1154. Rates on potatoes, in carloads, from points in Iowa, Michigan, Minnesota, and Wisconsin, to Anniston, Ala., found unreasonable and unduly prejudicial. Rates for the future prescribed, and reparation awarded.

Canada Packers, v. Boston & M. R., 165 I. C. C. 151.

1155. Rates on fresh meats, in carloads, from Toronto, Ontario, and Montreal, Quebec, to destinations in trunk-line and New England territories found not unreasonable. Complaint dismissed.

Montgomery Cotton Exch. v. Seaboard Air Line Ry. Co., 165 I. C. C. 153.

1156. Upon further hearing finding in former report, 109 I. C. C. 579, that defendants' failure to provide for the concentration and warehousing in transit at Montgomery, Ala., of cotton from points on and west of the Louisville & Nashville Railroad between Decatur and Mobile, Ala., destined to south Atlantic ports and to southeastern and Carolina points and via south Atlantic ports to New England mill points was unreasonable, modified. Previous order modified.

Board of Railroad Commissioners of S. Dak. v. Atchison, T. & S. F. Ry. Co., 165 I. C. C. 160.

1157. Rates on rice, cleaned, cracked or crushed, and on edible sirup and molasses, in carloads, from various southwestern points to destinations in the Black Hills of South Dakota found unreasonable but not unduly prejudicial. Reasonable maximum basis prescribed for the future.

Rice Growers Asso. v. Southern Pac. Co., 165 I. C. C. 167.

1158. Rates on paddy rice, in carloads, from certain producing points in California to San Francisco, Calif., for export, found unreasonable. Reparation awarded.

Salt Lake Tribune Pub. Co. v. Bamberger E. R. Co., 165 I. C. C. 171.

1159. Rate on newsprint paper, in carloads, from Camas, Wash., and West Linn and Portland, Oreg., to Salt Lake City and Ogden, Utah, found not unreasonable or unduly prejudicial. Complaint dismissed.

Certified Dry Mat Corp. v. Boston & M. R., 165 I. C. C. 178.

1160. Rate on matrix paper, in carloads, from West Groton, Mass., to Cleveland, Ohio, found not unreasonable. Complaint dismissed.

Caruso, Rinella, Battaglia Co. v. Atlantic Coast Line R. Co., 165 I. C. C. 181.

1161. Rates on citrus fruit, in carloads, from Lisbon and Winter Haven, Fla., to Saratoga Springs, N. Y., found unreasonable prior to November 9, 1928, but not otherwise unlawful. Reparation awarded.

National Concrete M. F. Corp. v. Chesapeake & O. Ry. Co., 165 I. C. C. 185.

1162. Carload rate charged on shipment of steel floor arches from Huntington, W. Va., to Indianapolis, Ind., found applicable. Complaint dismissed.

Amos Lumber Co. v. Pennsylvania R. Co., 165 I. C. C. 187.

1163. Rate on lumber, in carloads, from Edinburg, Ind., to Jamestown, N. Y., found not unreasonable or otherwise unlawful. Rate charged on lumber, in carloads, from Bourdon, Ind., to North Tonawanda, N. Y., found applicable. Complaints dismissed.

Illinois Oil Co. v. Atchison, T. & S. F. Ry. Co., 165 I. C. C. 189.

1164. Rates on petroleum products, in carloads, from Cushing, Bristow, Cleveland, and Drumwright, Okla., to Clinton, Fulton, and Mayfield, Ky., found unreasonable but not unduly prejudicial. Reasonable rate prescribed for the future and reparation awarded.

Apex Co. v. Alabama & V. Ry. Co., 165 I. C. C. 193.

1165. Upon further hearing, rates on finished wall paper, in carloads, from certain points in Illinois, Missouri, New York, and Pennsylvania to Dallas and Fort Worth, Tex., found unreasonable for the future. Findings in original reports, 122 I. C. C. 333, 126 I. C. C. 175, and 129 I. C. C. 283, as to rates in the past affirmed.

Through routes and joint rates, 165 I. C. C. 200.

1166. Certificate of public convenience and necessity granted to the Beardslee Launch & Barge Service, Incorporated.

1167. Through routes and joint rates on lumber and forest products, in carloads, from Service, Ala., to Ohio and Mississippi River crossings and destinations north and west thereof in connection with Beardslee Launch & Barge Service, Incorporated, and rail carriers required.

Southern Builders Material Co. v. Alabama G. S. R. Co., 165 I. C. C. 207.

1168. Upon reconsideration finding in former report herein, 156 I. C. C. 789, that rates on sand-rubbed and polished marble, in carloads, from Knoxville, Tenn., to Shreveport, La., were unreasonable, affirmed.

Turner Marble & Granite Co. v. Atlantic Coast Line R. Co., 165 I. C. C. 209.

1169. Upon rehearing finding in original report in the title case, 147 I. C. C. 796, that the rates charged on certain shipments of rough-sawed marble, in carloads, from points in Tennessee and Georgia to Tampa, Fla., were inapplicable, affirmed. Reparation awarded.

1170. Rates assailed in No. 21896 on marble, granite, and limestone, rough quarried, sawed, and/or sand-rubbed, in carloads, from points in Tennessee, Alabama, and Georgia to Tampa and Ybor City, Fla., found not unreasonable or otherwise unlawful. Complaint dismissed.

Farmers Exchange v. Spokane, P. & S. Ry. Co., 165 I. C. C. 216.

1171. Rates on grain, in carloads, from certain points in Oregon, over an interstate route, to Portland, Oreg., found unreasonable but not otherwise unlawful. Reparation awarded.

Municipal Paving & Constr. Co. v. Seaboard Air Line Ry. Co., 165 I. C. C. 220.

1172. Rates on a crane and steam shovel, in carloads, graders and road rollers, in mixed carloads, and road rollers, a pump, and piping, in a mixed carload, from Gainesville and Arredondo, Fla., to Nashville and Fosterville, Tenn., and Decatur, Ala., found not unreasonable or unduly prejudicial. Complaint dismissed.

Thompson Veneer Co. v. Atlantic Coast Line R. Co., 165 I. C. C. 223.

1173. Rates on walnut logs, in carloads, from Ahoskie, Tarboro, and Rich Square, N. C., to Edinburg, Ind., found not unreasonable or otherwise unlawful. Complaint dismissed.

Garsons Iron & Steel Co. v. Gulf & S. R. R. Co., 165 I. C. C. 225.

1174. Rate on re-lay rails, in carloads, from Fullerton, La., to Beaumont, Tex., for expert, found unreasonable in the past but not unduly prejudicial. The rate established December 15, 1927, found not unreasonable or otherwise unlawful. Defendants authorized to waive collection of undercharges down to the basis found reasonable.

1175. Rate of scrap iron, in carloads, from Clarks, La., to Houston, Tex., for export, found unreasonable but not otherwise unlawful. Reasonable rate for the future prescribed. Defendants authorized to waive collection of undercharges down to the basis found unreasonable.

Atlanta Paper Co. v. Boston & M. R., 165 I. C. C. 229.

1176. Rate charged on a carload of flat paper cups from Worcester, Mass., to Atlanta, Ga., found not unreasonable. Complaint dismissed.

Simms Oil Co. v. Chicago & Eastern I. Ry. Co., 165 I. C. C. 231.

1177. Carload of gasoline from Smackover, Ark., to Marion, Ill., found to have been misrouted. Rate over route of movement not shown to have been unreasonable. Reparation awarded.

Hall Lumber Co. v. Seaboard Air Line Ry. Co., 165 I. C. C. 233.

1178. Rate on lumber, in carloads, from Littman, Fla., to Atlanta, Ga., found not unreasonable or otherwise unlawful. Complaint dismissed.

Texas Louisiana Power Co. v. Atchison, T. & S. F. Ry. Co., 165 I. C. C. 236.

1179. Rate on petroleum gas oil, in carloads, from Borger, Tex., over an interstate route to Perryton, Tex., found unreasonable in the past. Present rate found not unreasonable. Reparation awarded.

Advance Rumeley Thresher Co. v. Alabama & V. Ry. Co., 165 I. C. C. 239.

1180. Rates on agricultural implements, other than hand, and other analogous commodities, in straight or mixed carloads, from points in the defined territories to Texas points found not unreasonable. Complaints dismissed.

Texas-New Mexico Power Co. v. Atchison, T. & S. F. Ry. Co., 165 I. C. C. 246.

1181. Rates on electric generators and internal-combustion engines, knocked down, in straight or mixed carloads, from Bartlesville, Okla., to Monahans and Pyote, Tex., found unreasonable. Reparation awarded.

Southern Agr. Chem. Corp. v. Central of Georgia Ry. Co., 165 I. C. C. 251.

1182. Rates on sulphuric acid, in tank-car loads, from Copperhill, Tenn., to Montgomery, Ala., and destinations in Georgia, North Carolina, South Carolina, and Virginia found not unreasonable. Complaints dismissed.

Majerus Co. v. Chicago, M., St. P. & P. R. Co., 165 I. C. C. 258.

1183. Rate on sand and gravel, in carloads, from Hawarden, Iowa, to Vermilion, S. Dak., found unreasonable. Reparation awarded.

Pacific Lumber Co. v. Baltimore & O. R. Co., 165 I. C. C. 260.

1184. Rates charged on sawmill machinery, in carloads, from Painesville, Ohio to Scotia, Calif., found inapplicable. Applicable rates found not unreasonable. Reparation awarded.

Strauss & Son v. Missouri Pac. R. Co., 165 I. C. C. 262.

1185. Rates charged on watermelons, in carloads, from Poteet and Yturria, Tex., to Monroe, La., found inapplicable. Applicable rates found not unreasonable or otherwise unlawful. Complaint dismissed.

Fess v. Chicago, M., St. P. & P. R. Co., 165 I. C. C. 265.

1186. Rate on cement, in carloads, from Mason City, Iowa, to Juda and Monroe, Wis., found in violation of section 4 of the interstate commerce act, but not unreasonable. Defendant directed to remove the fourth-section violation. Complaint dismissed.

Graves & Sons Co. v. Chicago, St. P., M. & O. Ry. Co., 165 I. C. C. 267.

1187. Claim for reparation based on the inapplicability of the rate charged on a carload shipment of a commodity, alleged to be second-hand railroad rails from Park Falls, Wis., to Minnesota Transfer, Minn., found barred by the statute. Complaint dismissed.

Smith & Sons Carpet Co. v. New Y., N. H. & H. R. Co., 165 I. C. C. 269.

1188. Rate charged on a carload of mohair noils from Worcester, Mass., to Nepperhan, N. Y., found unreasonable. Reparation awarded.

Tidal Oil Co. v. Chicago, R. I. & P. Ry. Co., 165 I. C. C. 271.

1189. Rates on wrought-iron pipe, in carloads, from Tulsa and Weleetka, Okla., to McCamey, Tex., found not unreasonable.

1190. Rates on wrought-iron pipe, in carloads, from Covington and Seminole, Okla., to McCamey, Tex., found unreasonable. Reparation awarded.

Cairo Furniture Co. v. Atlantic Coast Line R. Co., 165 I. C. C. 274.

1191. Rates charged on 14 less-than-carload shipments of cook stoves, warming closets, and parts thereof from Gadsden, Ala., to Cairo, Ga., found unreasonable. Reparation awarded.

Eastern Livestock Cases of 1926, 165 I. C. C. 277.

1192. Upon further hearing, findings in original report, 144 I. C. C. 731, modified with respect to the measure of rates on livestock from points in central territory to points in trunk-line and New England territories, locally, and, when from Chicago and the Mississippi and Ohio River crossings, proportionally on traffic from beyond, and from certain points in Kentucky, and Nashville, Tenn., to trunk-line and New England destinations.

1193. Finding in original report with respect to rates on livestock in central territory modified.

California Pine Box Distributors v. Southern Pac. Co., 165 I. C. C. 319.

1194. Rates on lumber and other forest products, in carloads, from certain points in California, Oregon, and Nevada to certain destinations in New Mexico and Texas via Ogden, Utah, found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

1195. Fourth-section relief denied.

German Lumber Co. v. Southern Ry. Co., 165 I. C. C. 323.

1196. Charges collected on a carload of lumber from Carson, Ala., to Grand Mere, Quebec, Canada, found inapplicable in part. Reparation awarded.

Stonega Coke & Coal Co. v. Norfolk & W. Ry. Co., 165 I. C. C. 325.

1197. Rate on bituminous coal, in carloads, from mines in Virginia on the Interstate Railroad to Lambert Point, Va., for transshipment, found not unreasonable or unduly prejudicial. Complaint dismissed.

Monarch Cement Co. v. Atchison, T. & S. F. Ry. Co., 165 I. C. C. 332.

1198. Claims for reparation on account of alleged unlawful rates charged on shipments of cement, in carloads, from Humboldt, Iola, and Chanute, Kans., and Dewey, Okla., to points on the Chicago, Rock Island & Gulf and Panhandle & Sante Fe Railways in the Panhandle section of Texas denied. Complaints dismissed.

Silicate or soda to southern territory, 165 I. C. C. 336.

1199. Proposed revision in rates on liquid silicate of soda, in box or tank-car loads, from points in Illinois, central, and trunk-line territories to points in southern territory, and between points in southern territory, found not justified. Similar revision on dry silicate of soda in box-car loads found justified. Order entered requiring cancellation of the suspended schedules in so far as they relate to rates on liquid silicate of soda, without prejudice to the publication of rates in conformity with the findings herein.

General Construction Co. v. Atlantic Coast Line R. Co., 165 I. C. C. 342.

1200. Rate charged on cranes and hoists, with detachable parts, in carloads, from Palm, Fla., to St. Joe, Ark., found applicable, and not unreasonable. Complaint dismissed.

Taggart Bros. Co. v. Atchison, T. & S. F. Ry. Co., 165 I. C. C. 344.

1201. Rates on wrapping paper and paper bags, in carloads and less than carloads, from Black River, Carthage, Watertown, and Dexter, N. Y., to points in central territory found unreasonable for the future to the extent that they may exceed the third-class and sixth-class rates prescribed in *Eastern Class Rate Investigation*, 164 I. C. C. 314.

West Va. Pulp & Paper Co. v. Baltimore & O. R. Co., 165 I. C. C. 349.

1202. Upon complaints involving the general structure of rates on printing and wrapping paper, paperboard boxes, and paperboard, in carloads, in central and trunk-line territories and between those territories: *Found*, that the rates on printing and wrapping paper and paperboard boxes for the future will be unreasonable to the extent that they may exceed the sixth-class rates prescribed in *Eastern Class Rate Investigation*, 164 I. C. C. 314, that the rates on paperboard will be unreasonable to the extent that they may exceed 25 per cent of the first-class rates prescribed therein, and that the uniform establishment of these bases will remove undue prejudice and preference now existing in the present rates.

1203. Upon further argument, maximum reasonable rate of 20 cents prescribed on printing and wrapping paper, in carloads, from the Fox River group in Wisconsin to Chicago and certain other destinations in northern Illinois. Former report, 66 I. C. C. 571, modified.

1204. Rates on newsprint and printing paper from Niagara Falls and North Tonawanda, N. Y., to Chicago, Ill., found not unreasonable or otherwise unlawful.

1205. Upon further argument, rates on printing and wrapping paper from the Fox River group to destinations in Illinois, Wisconsin, and Iowa in effect in 1921 and 1922 found not unreasonable or unduly prejudicial. Complaint dismissed. Former report, 80 I. C. C. 217, reversed.

1206. Order in *Michigan Paper Mills Traffic Asso. v. A., T. & S. F. Ry. Co.*, 59 I. C. C. 649, vacated.

Pacific Coast fourth section applications, 165 I. C. C. 373.

1207. Upon further hearing on amended applications fourth-section relief previously authorized, 129 I. C. C. 3, to establish or continue class and commodity rates between California ports and inland points beyond, on one hand, and Washington and Oregon ports and inland points beyond, on other hand, and between northern and southern California ports, lower than at intermediate points, affirmed, subject to modified conditions set forth in report.

1208. Minimum rates prescribed in previous report modified to minimum basis set forth in report.

1209. Condition imposed in previous report that rates at intermediate points be made no higher than 100 per cent of terminal rates, affirmed.

1210. Minimum differential prescribed in previous report relating rail rates to competitive water rates modified. Varying differentials for different classes and commodities prescribed.

1211 and 1212. Finding in previous report that rates from or to inland points which may be lower than rates at intermediate points should be no lower than full combination on ports, affirmed.

1213. Denial of relief as to rates on lumber from Oregon, California, and Nevada points to destinations in Southern California, affirmed.

1214. Complaint in No. 21918, alleging that rates on automobiles, in carloads, from Los Angeles and Los Angeles Harbor, Calif., to Portland, Oreg., Seattle and Tacoma, Wash., and other points in Oregon, Washington, and Idaho, are unduly prejudicial, dismissed without prejudice, in view of defendants' proposals in fourth-section proceedings to adjust situation.

Stationers Corp. v. Pere Marquette Ry. Co., 165 I. C. C. 418.

1215. Separate charges applied to transportation of set-up steel filing cabinets and steel desks and to nested steel waste baskets, shipped March 10, 1926, in one car, from Grand Rapids, Mich., to Los Angeles, Calif., not shown to have been unreasonable or otherwise unlawful. Complaint dismissed.

Franklin Co. v. Chicago, B. & Q. R. Co., 165 I. C. C. 420.

1216. Defendants' failure to publish and to apply on a carload of mixed dining-room furniture from Marion, Ind., to Minneapolis, Minn., the rate published from more distant points and made subject to rule 77 of Tariff Circular 18-A, found unreasonable. Reparation awarded.

Southern Produce Co. v. Denison & Pac. S. Ry. Co., 165 I. C. C. 423.

1217. Shipments of bananas and coconuts, in straight or mixed carloads from Galveston, Tex., to destinations in Texas found to be import in character, and therefore within our jurisdiction.

1218. Rates on bananas and coconuts, in straight or mixed carloads, from New Orleans, La., and subports taking the same rates, and from Galveston to

destinations in Oklahoma and Texas found unreasonable, and reparation awarded. Reasonable rates for the future prescribed from the origins named to destinations in Texas and from Galveston to Hugo, Okla.

1219. Rates on bananas, lemons, and oranges, in mixed carloads, from New Orleans to Cuero, Tex., found unreasonable. Reasonable rate prescribed and reparation awarded.

1220. Upon further consideration, findings in former reports in *Dawson Produce Co. v. A. & V. Ry. Co.*, 101 I. C. C. 196, 113 I. C. C. 454, and *Gugenheim-Goldsmith Co. v. G., H & S. A. Ry. Co.*, 113 I. C. C. 459, 118 I. C. C. 681, modified as to rates on bananas and coconuts, in straight or mixed carloads, from New Orleans to certain stations in Texas, and as to awards of reparation.

McGrath Sand & Gravel Co. v. Atchison, T. & S. F. Ry. Co., 165 I. C. C. 454.

1221. Rates on sand and gravel, in carloads, from Chillicothe, Ottawa, Sheridan, Yorkville, Aurora, and Moline, Ill., and LaGrange and Reading, Mo., to certain destinations in Iowa on the Chicago, Burlington & Quincy, the Chicago, Rock Island & Pacific, and the Wabash found unreasonable and unduly prejudicial. Basis for reasonable and unprejudicial rates prescribed for the future and reparation awarded.

Smith Co. v. New York Central R. Co., 165 I. C. C. 467.

1222. Shipments of pig iron, in carloads, from Buffalo, N. Y., to Westfield, Mass., found to have been misrouted. Reparation awarded.

Colgate-Palmolive-Peet Co. v. Pittsburgh & L. E. R. Co., 165 I. C. C. 469.

1223. Rate on petroleum jelly (vaseline), in carloads, from McKees Rocks, Pa., to Norfolk, Va., found not unreasonable. Complaint dismissed.

Bernier v. Chicago & Eastern I. Ry. Co., 165 I. C. C. 472.

1224. Rates on onions, in carloads, from Mendota, Dodge Center, Albert Lea, Lyle, and Hollandale, Minn., and Osage and St. Ansgar, Iowa, to New Orleans, La., found not unreasonable. Complaint dismissed.

Dallas Transfer Co. v. Southern Pac. Co., 165 I. C. C. 475.

1225. Charges collected on a shipment of automobiles from Dallas, Tex., to Los Angeles, Calif., and the applicable two-for-one provision contained in rule 34 of the governing classification, found not unreasonable. Findings of former reports, 91 I. C. C. 73, and 115 I. C. C. 658, reversed. Complaint dismissed.

Cleveland Wire Spring Co. v. Detroit, T. & I. R. Co., 165 I. C. C. 482.

1226. Less-than-carload rates on iron and steel factory bins, not in boxes or crates, from Cleveland, Ohio, to destinations in Iowa, Missouri, Colorado, Illinois, Wisconsin, and Pennsylvania, found not unreasonable or otherwise unlawful. Complaint dismissed.

Westinghouse Electric & Mfg. Co. v. Pennsylvania R. Co., 165 I. C. C. 485.

1227. Rates on rough iron or steel castings, in carloads, from Cleveland, Ohio, to East Pittsburgh, Pa., found to have been unreasonable prior to November 1, 1924.

1228. Rates on sheet iron and sheet steel, in carloads, from Zanesville, Ohio, to East Pittsburgh, Bessemer, Mifflin Junction, and Oak Hill, Pa., found to have been unreasonable. Reparation awarded.

Shores Mueller Co. v. Chicago, R. I. & P. Ry. Co., 165 I. C. C. 491.

1229. Rate charged on one carload of mineral mixture for livestock feeding from Cedar Rapids, Iowa, to Houston, Tex., found applicable but unreasonable. Reparation awarded.

Du Pont de Nemours & Co. v. Denver & R. G. W. R. Co., 165 I. C. C. 493.

1230. Carload rate charged on high explosives from Louviers, Colo., to Laredo, Tex., for export to Mexico, found unreasonable. Reparation awarded.

Rules for car-hire settlement, 165 I. C. C. 495.

1231. Order entered to give effect to all of our findings in previous report, 160 I. C. C. 369.

Transfer of passengers through New York and Newark, 165 I. C. C. 497.

1232. Proposed transfer, between the Pennsylvania Station in New York, N. Y., and any other point within the boroughs of Manhattan, Bronx, and Brooklyn, and between the Pennsylvania Station in Newark, N. J., and any other point in

Newark, without additional charge, of passengers traveling in parties of 25 or more from, to, and between specified points on the Pennsylvania Railroad; also from or to specified territories via that carrier's lines, found not justified. Suspended schedule ordered canceled and proceeding discontinued.

Hope Engineering Co. v. Chicago, M., St. P. & P. R. Co., 165 I. C. C. 505.

1233. Rate charged on steel pipes, in carloads, from North Milwaukee, Wis., to various points in Texas found inapplicable. Applicable rate not shown to be unreasonable or otherwise unlawful. Reparation awarded.

Williamsburg Holding Corp. v. Atlantic Coast Line R. Co., 165 I. C. C. 508.

1234. Rates on dormant boxwood, in carloads, from specified points in South Carolina, North Carolina, and Georgia to Williamsburg, Va., found unreasonable. Reasonable basis of rates prescribed for the future and reparation awarded.

Milroy Milling Co. v. Cleveland, C., C. & St. L. Ry. Co., 165 I. C. C. 511.

1235. Additional charges collected on carload shipments of grain from certain points in Indiana and Illinois, milled in transit at Milroy, Ind., and the products forwarded to Louisville, Ky., Cincinnati and Columbus, Ohio, and destinations beyond, found to be applicable but unreasonable. Reparation awarded.

Bridgeport Russell Co. v. American Ry. Express Co., 165 I. C. C. 514.

1236. Second-class express rates charged on numerous shipments of cream in 5, 8, and 10 gallon cans, from certain points in Kansas and Nebraska to Sioux Falls, S. Dak., found unreasonable. Reparation awarded.

Northrup King Co. v. Chicago, M. St. P. & P. R. Co., 165 I. C. C. 517.

1237. Rate on nitrogen seed and soil inoculating compound, in less than carloads, from Milwaukee, Wis., to Minneapolis, Minn., found in contravention of the long-and-short-haul provision of section 4 and unreasonable. Reparation awarded.

Hinde & Dauch Paper Co. v. Akron, C. & Y. Ry. Co., 165 I. C. C. 519.

1238. Rates on strawboard, chip board, and kindred products, in carloads, from and to points in central territory and from points in that territory to destinations in trunk-line and New England territories found not unreasonable. Complaint dismissed.

Ohio Farm Bureau Fed. v. Erie R. Co., 165 I. C. C. 525.

1239. Shipment of two carloads of cattle, other than ordinary livestock, from Ashville, Ohio, to Chicago, Ill., for exhibition purposes found undercharged. Allegation of unreasonableness barred from consideration by the statute. Complaint dismissed.

Widmayer v. Atlantic Coast Line R. Co., 165 I. C. C. 529.

1240. Rate and refrigeration charge on a carload of beans, from Manning, S. C., to Washington, D. C., found not to have been unreasonable. Complaint dismissed.

National Asso. of Chewing Gum Mfrs. v. Ry. Express Agency, 165 I. C. C. 531.

1241. First-class rating on chewing gum by express found not unreasonable or otherwise unlawful. Complaint dismissed.

Peabody Lumber Co. v. Pennsylvania R. Co., 165 I. C. C. 533.

1242. Rates on rough bending oak (hoop plank), in carloads, from Bourbon and Columbia City, Ind., to Delphos, Ohio, found not unreasonable or otherwise unlawful. Complaint dismissed.

Case Mfg. Co. v. New York, N. H. & H. R. Co., 165 I. C. C. 535.

1243. Rates charged on building paper, in carloads, from Unionville, Conn., to New Bedford, and Boston, Mass., and Piers 37 and 40, New York, N. Y., found not unreasonable. Complaint dismissed.

Hope Fertilizer Co. v. Baltimore & O. R. Co., 165 I. C. C. 538.

1244. On further hearing, finding in former report, 144 I. C. C. 38, modified. Rates on bulk pile-run acid phosphate, in carloads, from Nashville and West Nashville, Tenn., to Hope, Ark., found unreasonable, but not otherwise unlawful. Reasonable rate prescribed for the future.

Mason City Brick & Tile Co. v. Atchison, T. & S. F. Ry. Co., 165 I. C. C. 541.

1245. Upon reconsideration finding in former report, 148 I. C. C. 266, that the claim for reparation on certain shipments of fuel oil and gas oil, in tank-car loads, from points in Arkansas, Kansas, and Oklahoma to Clear Lake Junction and Mason City, Iowa, was barred by the statute, reversed. Reparation awarded.

Amber Furniture Co. v. Cleveland, C., C. & St. L. Ry. Co., 165 I. C. C. 543.

1246. Upon reconsideration finding in former report herein, 157 I. C. C. 311, that the rates charged on shipments of furniture, in carloads, from points in Indiana, Kentucky, and Tennessee, to Chicago, Ill., were inapplicable, reversed. Complaint dismissed.

Breece Lumber Co. v. Atchison, T. & S. F. Ry. Co., 165 I. C. C. 546.

1247. Six carloads of box and crate material, in shook form, from Albuquerque, N. Mex., to Elsa, Tex., found to have been misrouted, and the rate over the route shipments should have moved found unreasonable. Reparation awarded.

United States Graphite Co. v. Ann Arbor R. Co., 165 I. C. C. 549.

1248. Rates on rough soapstone, in carloads, from Marriottsville, Md., to Saginaw, Mich., found not unreasonable or unduly prejudicial. Complaint dismissed.

Sunderland Bros. Co. v. Chesapeake & O. Ry. Co., 165 I. C. C. 553.

1249. Rate charged on a carload of bituminous coal from Big Shoals, Ky., to Thurston, Nebr., found applicable but unreasonable. Reparation awarded.

1250. Rate charged on a carload of bituminous coal from Peach Creek, W. Va., to Bancroft, Nebr., found applicable but unreasonable. Shipment found not misrouted. Reparation awarded.

Oklahoma Millers' League v. Alabama & M. R. Co., 165 I. C. C. 557.

1251. Upon further hearing, rates on grain and grain products, in carloads, from points in Oklahoma to destinations in Louisiana west of the Mississippi River, including destinations on the west bank thereof, and to Mississippi River crossings in Mississippi and Louisiana on the east bank thereof, found to have been unreasonable. Reparation awarded. Previous reports, 128 I. C. C. 523 and 140 I. C. C. 624.

Commodity Rates on lumber and other forest products, 185 I. C. C. 561.

1252. Transcontinental carriers and their connecting lines granted authority, subject to the limitations described in the report, to establish or continue rates on lumber and other forest products from south Pacific coast territory to points in central territory lower than to intermediate points. Former report, 151 I. C. C. 763, modified.

Rate structure investigation, part 3, cotton, 165 I. C. C. 595.

1253. All-rail rates on cotton within and from southeastern and Carolina territories found not unreasonable or unduly prejudicial.

1254. Maximum reasonable any-quantity bases for all-rail cotton rates prescribed within Mississippi Valley and southwestern territories; from Mississippi Valley to official territory; and from southwestern to southern and official territories.

1255. Consideration of water and rail rates on cotton deferred.

1256. Proper relation of interstate rates on cotton from Oklahoma on the one hand, and Texas and Arkansas on the other, to Houston, Galveston, and Texas City, Tex., prescribed under section 3 of the act, and proper relation of interstate rates from Oklahoma and intrastate rates from Texas to Houston, Galveston, and Texas City prescribed under section 13 of the act.

1257. Proper relation of all-rail rates and transit arrangements prescribed on cotton from Mississippi Valley and southwestern territories to and through the port of Mobile, Ala., and to and through other ports.

1258. Prayers of complainants in No. 18883 and Sub-No. 1 for the establishment of carload rates on cotton and for reparation, denied.

1259. Rates on cotton from specified points in Texas, New Mexico, and Arizona to Wilmington, Calif., found unreasonable; relation of such rates to those from the same points to Galveston found unduly prejudicial; and, so far as Texas intrastate rates are concerned, unduly prejudicial to persons and localities in interstate commerce.

Cotton Mfrs. Asso. v. Carolina, C. & O. Ry., 165 I. C. C. 709.

1260. Upon further hearing reparation awarded on shipments of bituminous coal, in carloads, from mines on the Carolina, Clinchfield & Ohio and Virginia & Southwestern Railways in Virginia to Spartanburg, and other points in South Carolina taking same or related rates. Former reports herein 37 I. C. C. 652, 53 I. C. C. 741, 57 I. C. C. 584, 64 I. C. C. 633, 85 I. C. C. 131, and 112 I. C. C. 683.

Naas Bros. Fruit Co. v. Atchison, T. & S. F. Ry. Co., 165 I. C. C. 714.

1261. Allegation that the rate charged on a carload of peaches from Hanford, Calif., to Benson, Minn., was inapplicable and unreasonable, found not sustained. Complaint dismissed.

Tunnell & Co. v. Long Island R. Co., 165 I. C. C. 717.

1262. Rates on fertilizers, in carloads, from Philadelphia, Pa., to destinations in New York on the Long Island Railroad, found not unreasonable in the past but unreasonable for the future. Reasonable rates prescribed.

Widlar Food Products Co. v. Michigan Central R. Co., 165 I. C. C. 721.

1263. Rates charged on one carload of dillweed in brine, from Three Oaks, Mich., to Brookhaven, Miss., there partly unloaded and then forwarded to Sumrall, Miss., found inapplicable. Reparation awarded.

Logan-Long Co. v. Chesapeake & O. Ry. Co., 165 I. C. C. 724.

1264. Rates on crushed slate, in carloads, from Esmont and Dutch Gap, Va., to Oakland City, Ga., found to have been unreasonable. Reparation awarded.

Decatur Malleable Iron Co. v. Baltimore & O. R. Co., 165 I. C. C. 727.

1265. Rate charged on malleable-iron castings, in carloads, from Decatur, Ill., to Detroit, Mich., found not unreasonable or unduly prejudicial in the past. Complaint dismissed.

1266. No findings or order for the future necessary because of the conclusions and determinations in *Iron and Steel Articles*, 155 I. C. C. 517.

Hart Glass Mfg. Co. v. Pennsylvania R. Co., 165 I. C. C. 729.

1267. Rate charged on glass bottles, in carloads, from Dunkirk, Ind., to Louisville Ky., found not unreasonable or otherwise unlawful. Complaint dismissed.

Sand, gravel, slag, stone, and chert, 165 I. C. C. 731.

1268. Proposed revision of interstate rates on sand, gravel, crushed stone, slag, and chert, in carloads, between points within Mississippi Valley territory, and from and to points in said territory, found justified except in certain particulars. Suspended schedules required to be canceled without prejudice to the filing of new schedules in conformity with the findings herein made.

Railway mail pay, 165 I. C. C. 774.

1269. Montpelier & Wells River Railroad, St. Johnsbury & Lake Champlain Railroad, Tallulah Falls Railway, Chicago, Springfield & St. Louis Railway, and Jacksonville & Havana Railroad found to be separately operated railroads less than 100 miles in length and entitled to rates of mail pay prescribed for roads so classified in *Railway Mail Pay*, 144 I. C. C. 675.

Salina Chamber of Commerce v. Atchison, T. & S. F. Ry. Co., 165 I. C. C. 780.

1270. Rates on dressed poultry, butter, and eggs, in straight and mixed carloads, from Salina, Kans., to certain destinations east of the Illinois-Indiana State line found to have been unreasonable. Reparation awarded.

Barrett Co. v. Alabama G. S. R. Co., 165 I. C. C. 787.

1271. Rates on coal tar, in tank-car loads, from Ensley, Ala., to Cookeville, Isonline, and Crossville, Tenn., found unreasonable. Reparation awarded.

International Steel Tie Co. v. New York Central R. Co., 165 I. C. C. 791.

1272. Rates on steel cross-tie fastenings when shipped with carloads of steel crossties, from Cleveland, Ohio, to destinations in central, eastern trunk-line, New England, and western trunk-line territories, found not unreasonable in the past but unreasonable for the future. Reasonable basis of rates prescribed.

Fuller Construction Co. v. Missouri Pac. R. Co., 165 I. C. C. 796.

1273. Rate charged on sand and gravel, in carloads, from Memphis, Tenn., to Bridge Junction, Ark., found unreasonable. Reparation awarded.

Missouri Gravel Co. v. Chicago, B. & Q. R. Co., 167 I. C. C. 1.

1274. On reconsideration, finding in original report, 152 I. C. C. 561, that the carload rate on sand and gravel from Louisiana, Mo., to Quincy, Ill., was and for the future would be unreasonable to the extent that it exceeded or should exceed 88 cents modified to find that such rate is and for the future will be unreasonable to the extent that it exceeds or shall exceed 80 cents.

Coal from Ala., Ky., Tenn., and Va., 167 I. C. C. 3.

1275. Upon further consideration, findings in 163 I. C. C. 319, in respect of rates for the transportation of bituminous coal, in carloads, from mines in Kentucky, Tennessee, Virginia, and Alabama, to Tallahassee, Quincy and Jamieson, Fla., modified.

Fruit Products Co. v. Atlantic Coast Line R. Co., 167 I. C. C. 5.

1276. Rates on canned grapefruit and canned grapefruit juice, in carloads, from Eagle Lake and Lake Alfred, Fla., to Jacksonville and Tampa, Fla., for interstate shipment beyond by water, found not unreasonable in the past but unreasonable for the future. Reasonable rates prescribed.

1277. Rates on the same commodities from Eagle Lake and Lake Alfred to destinations in West Virginia, Ohio, Indiana, Illinois, Michigan, Missouri, Iowa, and Wisconsin, and to Richmond, Va., found not unduly prejudicial and not unreasonable in the past, but unreasonable for the future. Reasonable rates prescribed.

Staley Mfg. Co. v. Wabash Ry. Co., 167 I. C. C. 12.

1278. Rates on cornstarch, in carloads, from Decatur, Ill., to Guthrie, Okla., and Dallas and Brenham, Tex., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Intrastate Traffic in Oklahoma, 167 I. C. C. 17.

1279. Award of reparation by the Corporation Commission of Oklahoma in respect of shipments of coal, in carloads, moving over intrastate routes from Tulsa and Henryetta groups in Oklahoma to Dewey, Okla., during the so-called guaranty period from March 1, 1920, to August 31, 1920, inclusive, approved in part. Original report, 122 I. C. C. 443.

Kelley Island Lime & Transport Co. v. Chicago & Eastern I. Ry. Co., 167 I. C. C. 22.

1280. Rates charged on agricultural and fluxing lime, in carloads, from Huntington, Ind., to destinations in Illinois, Indiana, and Michigan found inapplicable in certain instances. Applicable rates found to have been unreasonable, but not shown to have been unduly prejudicial. Reparation awarded.

Lone Star Gas Co. v. Abilene & Southern Ry. Co., 167 I. C. C. 27.

1281. Rates on iron pipe couplings, in carloads and less than carloads, from Bradford, Pa., to destinations in Texas and Oklahoma found inapplicable in some instances and unreasonable in others. Reasonable basis of rates prescribed for the future and reparation awarded in No. 22023. Refund of overcharges directed in No. 22770 and complaint dismissed.

Art Marble Co v. Atlanta & West Point R. Co., 167 I. C. C. 34.

1282. Rates on X-ite, in carloads, from Jackson, Miss., to destinations in various States found not unduly prejudicial, but unreasonable. Reasonable rates prescribed for the future.

Chapple Bros. v. Atchison, T. & S. F. Ry. Co., 167 I. C. C. 37.

1283. Rate on passenger automobiles, in carloads, from Syracuse, N. Y., to Tulsa, Okla., found not unreasonable. Complaint dismissed.

Application of Miss. Valley B. L. Co., 167 I. C. C. 41.

1284. Certificate of public convenience and necessity granted to the Mississippi Valley Barge Line Company.

1285. Through routes and joint rates on classes and various commodities between points in central territory and southern and southwestern territories over applicant's line and connecting rail carriers via Cincinnati, Ohio, and New Orleans, La., required.

Crenshaw Bros. Produce Co. v. Seaboard Air Line Ry. Co., 167 I. C. C. 51.

1286. On further hearing, rates charged on fruit hampers, nested, in carloads, from Selma, Ala., to Tampa, Fla., found inapplicable. Findings in the former report, 153 I. C. C. 63, reversed in part. Complaint dismissed.

Richmond Mica Corp. v. Atlantic Coast Line R. Co., 167 I. C. C. 53.

1287. Rate on scrap mica, in carloads, from Franklin, N. C., to Richmond, Va., prior to September 1, 1928, found unreasonable.

1288. Rates on like traffic from Martinsville, Va., over an interstate route, and certain points in North Carolina, to Richmond found unreasonable. Reasonable rates prescribed. Reparation awarded.

Western Md. Ry. Co. v. Maryland & P. R. Co., 167 I. C. C. 57.

1289. Divisions demanded and retained by the Maryland & Pennsylvania out-of-joint rates on coke and bituminous coal to York, Pa., found unjust, unreasonable, and inequitable. Just, reasonable, and equitable divisions prescribed.

Beverage Containers, 167 I. C. C. 65.

1290. Proposed increased rates on beverage containers returned, in carloads, from, to, and between points in southern territory found justified. Order of suspension vacated and proceeding discontinued.

Jackson Traffic Bureau v. Illinois Central R. Co., 167 I. C. C. 72.

1291. Rates on cottonseed, in carloads, from points in Louisiana and Arkansas to Jackson, Miss., found unreasonable but not otherwise unlawful. Reasonable rates prescribed for the future. Reparation awarded.

Barnett Mule Co. v. Ahnapee & Western Ry. Co., 167 I. C. C. 75.

1292. Rates on horses and mules, in carloads, from points in Missouri, Kansas, Iowa, Nebraska, North Dakota, South Dakota, Minnesota, Montana, and Wyoming to National Stock Yards, Ill., found not unreasonable or otherwise unlawful. Complaint dismissed.

Semet-Solvay Co. v. Birmingham Southern R. Co., 167 I. C. C. 79.

1293. Carload shipments of coke from Ensley, Ala., to destinations in Michigan found overcharged in certain instances and undercharged in others. Applicable rates on these and other shipments found to have been unreasonable but not otherwise unlawful. Waiver of undercharges authorized. Reparation awarded.

Crab Orchard Improvement Co. v. Virginian Ry. Co., 167 I. C. C. 84.

1294. Rate on bituminous coal, in carloads, from Eccles, W. Va., to St. Benedict, Pa., found not unreasonable. Complaint dismissed.

Ware Bros. Agency v. Atlantic Coast Line R. Co., 167 I. C. C. 87.

1295. Rates on old worn-out bags having not greater value than for conversion into secondhand cotton-bale covering, in carloads, from Ybor City, Fla., to Tuscumbia, Ala., found unreasonable. Reasonable rates prescribed and reparation awarded.

Kentucky Independent Oil Co. v. Louisville & N. R. Co., 167 I. C. C. 90.

1296. Rate charged on gasoline, in carloads, from Tulsa, Okla., and points grouped therewith to Central Covington, Ky., found applicable but unreasonable. Reasonable rate prescribed and reparation awarded.

1297. Reasonable basis of rates indicated for application from other groups in the mid-continent fields to Central Covington.

Advance Bag & Paper Co. v. Baltimore & O. R. Co., 167 I. C. C. 93.

1298. Rates on certain kinds of paper and paper articles, in carloads, from points in the Miami Valley of Ohio to destinations in Iowa, Missouri, Nebraska, Kansas, Colorado, and Oklahoma, found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed for the future and reparation awarded.

Peterson v. Illinois Central R. Co., 167 I. C. C. 104.

1299. Rate on gravel, in carloads, from Paducah, Ky., to Youngs, Tenn., found applicable. Applicable rate found unreasonable but not otherwise unlawful. Reparation awarded.

South Georgia Traffic Bureau v. Atlantic Coast Line R. Co., 167 I. C. C. 107.

1300. Rate on crude phosphate rock, in carloads, from Brewster, Fla., and contiguous points to Pelham, Ga., found not unreasonable. Complaint dismissed.

State Docks Comm. v. Louisville & N. R. Co., 167 I. C. C. 112.

1301. Rates, charges, rules, and regulations on noncompetitive carload traffic to and from the Alabama State docks in Mobile, Ala., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Southwestern rates, 167 I. C. C. 119.

1302. Proposed cancellation of commodity rates and application of fourth-class rates on refrigerators and on carbonic-acid gas in steel cylinders, all in carloads, between points in the Southwest and from points on and east of the Missouri and Mississippi Rivers to points in the Southwest and in Kansas and Missouri, found justified; except that no finding is here made as to export, import, or coastwise rates or rates for application between points east of the Indiana-Illinois line and points in Kansas and Missouri. Order of suspension vacated as to said articles, except as indicated.

1303. Proposed cancellation of commodity rates and application of class rates on dried beans and peas, in carloads, between points in the Southwest and from points on and east of the Missouri and Mississippi Rivers to points in the Southwest and in Kansas and Missouri, found not justified as to the edible varieties and not justified as to the inedible varieties in so far as increases would result, without prejudice to establishment of rates not exceeding those indicated; except that no finding is here made as to export, import, or coastwise rates for application between points east of the Indiana-Illinois line and points in Kansas and Missouri. Suspended schedules as to said articles ordered canceled in part and suspension vacated in part, except as indicated.

Interstate rates on petroleum products, 167 I. C. C. 131.

1304. Upon investigation rates on petroleum products from certain points in Kansas, Oklahoma, Texas, and Wyoming to destinations on the Denver & Rio Grande system in Colorado, Utah, and New Mexico; from certain points on said system in Colorado to destinations on said system in Utah and New Mexico and in Colorado over interstate routes; and from a point on said system in New Mexico to destinations on said system in Colorado and in New Mexico over interstate routes found to exceed reasonable rates in some instances and to be lower than reasonable rates in other instances. Maximum reasonable rates prescribed for the future.

1305. Rates in harmony with the rates so prescribed found reasonable in the past and for the future in the cases consolidated with the general investigation. Reparation awarded in some instances. Findings in 92 I. C. C. 376, 104 I. C. C. 380, 112 I. C. C. 605, 120 I. C. C. 166, 122 I. C. C. 109, 122 I. C. C. 335, and 136 I. C. C. 552 modified in some respects.

Motor Supply Co. v. Atchison, T. & S. F. Ry. Co., 167 I. C. C. 167.

1306. Rate charged on automobile-tire chains, in boxes and barrels, in less than carloads, from East York, Pa., to Phoenix, Ariz., found applicable. Complaint dismissed.

Kierulff & Ravenscroft v. Missouri Pac. R. Co., 167 I. C. C. 169.

1307. Mixed carload of radio receiving sets and loud speakers from St. Louis, Mo., to Los Angeles, Calif., found undercharged. Complaint dismissed.

1308. Less-than-carload shipments of radio receiving sets, loud speakers, and tubes from Chicago, Ill., to Dayton, Ohio, found overcharged. Reparation awarded.

Lawson Rubber & Mfg. Co. v. Aberdeen & Rockfish R. Co., 167 I. C. C. 173.

1309. Applicable interstate ratings on automobile-tire reliners and so-called patches from Dallas and Midlothian, Tex., Kansas City and Rosedale, Kans., and Kansas City, Mo., to all destinations in the United States determined.

1310. Applicable ratings on reliners, in carloads and less than carloads, found unreasonable.

1311. Rating on certain skived patches, in carloads, prior to April 30, 1928, found unreasonable.

1312. Rating on certain other patches, in carloads and less than carloads, found unreasonable.

1313. Reasonable ratings prescribed for the future.

1314. Applicable rates on certain carload shipments found unreasonable, and undercharges waived.

1315. Other applicable rates not shown to have been unreasonable.

Tionesta Valley Chemical Co. v. Delaware & H. Co., 167 I. C. C. 182.

1316. Rate on crude methanol, in tank-car loads, from Mayburg, Pa., to Cadosia, N. Y., found unreasonable. Reparation awarded.

Pine Glass Corp. v. Beaumont, S. L. & W. Ry. Co., 167 I. C. C. 184.

1317. Rates on glass fruit jars, in carloads, from Okmulgee, Okla., to Fort Worth, Beaumont, and Houston, Tex., found unreasonable and in violation of section 4 of the interstate commerce act. Reparation awarded.

Sweet & Son v. New York, N. H. & H. R. Co., 167 I. C. C. 187.

1318. Rate charged on carload shipments of green beans and cucumbers from Calypso and Mount Olive, N. C., to Boston, Mass., and Providence, R. I., found not unreasonable. Complaint dismissed.

Valley Grain Co. v. Cleveland, C., C. & St. L. Ry. Co., 167 I. C. C. 190.

1319. Upon reconsideration, finding in original report herein, 159 I. C. C. 223, that the rates on grain, in carloads, from Wing, Ill., to Battle Creek, Mich., and Louisville, Ky., were not unreasonable but unduly prejudicial, and that the rates on the same commodity, in carloads, from Wing to Chicago, Ill., for reshipment by lake and rail, and to St. Louis, Mo., were not unreasonable or unduly prejudicial, modified to the extent of finding the rates from Wing to St. Louis unduly prejudicial.

Sussex County Fuel Club v. Erie R. Co., 167 I. C. C. 193.

1320. Rates on coal, in carloads, from the anthracite district in Pennsylvania to certain destinations in northern New Jersey found unreasonable. Reasonable rates prescribed, and reparation awarded. Finding in previous report in No. 18815, 136 I. C. C. 680, reversed.

1321. Rates on coal, in carloads, from the anthracite district in Pennsylvania to Warbasse, N. J., and over certain routes to Sparta and Sparta Junction, N. J., found not unreasonable.

1322. Schedules proposing to increase rates on coal from the anthracite district in Pennsylvania to certain destinations in northern New Jersey found not justified. Suspended schedules ordered canceled, and proceeding discontinued.

McPhillips Mfg Co. v. Gulf, M. & N. R. Co., 167 I. C. C. 207.

1323. Rate on wooden blinds, doors, sash, shutters, and moulding, in straight or mixed carloads, or in mixed carloads with lumber, from Mobile, Ala., to New Orleans, La., for export, found not unduly prejudicial and not unreasonable for the future but unreasonable in the past to the extent indicated. Reparation awarded.

International Nickel Co. v. Pennsylvania R. Co., 167 I. C. C. 211.

1324. Defendants' failure to publish and apply on carload shipments of monel-metal scrap from Newark and Harrison, N. J., to Huntington, W. Va., a rate contemporaneously in effect from more distant points and made subject to rule 77 of Tariff Circular 18-A, found unreasonable. Reparation awarded.

1325. Rates on monel-metal scrap, in carloads, from Newark and Harrison to Huntington, via Potomac Yard, Va., found not to have been or to be unreasonable or otherwise unlawful.

Domestic bill of lading, 167 I. C. C. 214.

1326. Certain practices relating to the forms of bills of lading whereby the terms and conditions of the contract of carriage are rendered illegible, or a continuity of the arrangement of such terms and conditions interrupted, as also the practice of using carbons for originals, found to be in violation of the act, Former reports, 52 I. C. C. 671; 64 I. C. S. 357; and 66 I. C. C. 63.

Federated Metals Corp. v. Baltimore & O. R. Co., 167 I. C. C. 215.

1327. Rates on zinc by-products from points in Alabama, Georgia, Tennessee, Illinois, and from all the States in official classification territory to Donora, Pa., and Moundsville, W. Va., found unreasonable. Rate from Toronto, Canada, to Moundsville, found unreasonable for the past only. Reasonable interstate rates prescribed for the future and reparation awarded.

Peabody Lumber Co. v. Pennsylvania R. Co., 167 I. C. C. 221.

1328. On reconsideration, found that the rate in effect on rough lumber, in carloads, from Worthington, Ind., to Moline, Ill., applied over the route through Columbia City and Bourbon, Ind., and that defendants' failure to publish and apply such rate from the latter points under rule 77 of Tariff Circular 18-A in effect prior to July 1, 1924, was unreasonable. Reparation awarded. Findings in our original report, 132 I. C. S. 741, reversed to this extent.

Illinois Powder Mfg. Co. v. Alton & Eastern R. Co., 167 I. C. C. 224.

1329. Rate charged on high explosives, in carloads, from Grafton, Ill., to Baxter Springs and Treece, Kans., found not unreasonable. Complaint dismissed.

Atlantic Mills v. Bessemer & L. E. R. Co., 167 I. C. C. 227.

1330. Rate on bituminous coal, in carloads, from the Clearfield district of Pennsylvania to Stottville, N. Y., found not unreasonable or otherwise unlawful. Complaint dismissed.

Pure Oil Co. v. Atchison, T. & S. F. Ry. Co., 167 I. C. C. 229.

1331. Rates on iron and steel pipe, oil-well supplies, iron and steel tanks and tank material, and rig irons, in carloads, between points in Kansas, Oklahoma, Texas, Arkansas, and Louisiana, found unreasonable. Reparation awarded.

Pitch and tar in central territory, 167 I. C. C. 235.

1332. Proposed increase in the basis of rates on tar and pitch, except crude tar, from 70 per cent of sixth class to 80 per cent of sixth class in central territory, found unreasonable and in violation of section 3. Suspended schedules ordered canceled and proceeding discontinued.

Washington Building Lime Co. v. Baltimore & Ohio R. Co., 167 I. C. C. 245.

1333. Carload rate charged on chemical lime from Engle (Bakerton), W. Va., to Hopewell, Va., prior to August 24, 1927, found unreasonable. Reparation awarded.

1334. Rate charged on chemical lime, in carloads, from Engle (Bakerton) to Hopewell on and after August 24, 1927, found inapplicable. Applicable rate found not unreasonable. Reparation awarded.

Unusual routes in cases of emergency, 167 I. C. C. 249.

1335. Fourth-section relief granted to use emergency routes as provided in rule 4(k) of Tariff Circular No. 20, and modification of that rule found to be unnecessary.

Bluefield Produce & Provision Co. v. New York Central R. Co., 167 I. C. C. 257.

1336. Shipments of celery, in crates, in carloads, from Walworth and Macedon, N. Y., to Bluefield, W. Va., found to have been misrouted. Reparation awarded.

Orvis & Clinger v. Southern Pac. Co., 167 I. C. C. 259.

1337. Rates on hogs, in carloads, from South St. Paul, Minn., to Stockton, Calif., found not unreasonable. Complaint dismissed.

Western Asphalt Paving Corp. v. Chicago, B. & Q. R. Co., 167 I. C. C. 261.

1338. Rate charged on sand, in carloads, from Sandell, Nebr., to Hamburg, Iowa, found applicable. Complaint dismissed.

Toledo Pressed Steel Co. v. Ann Arbor R. Co., 167 I. C. C. 263.

1339. Ratings and rates on iron and steel open-flame type oil torches, in less than carloads, from Toledo, Ohio, to various points, not shown to be unreasonable or otherwise unlawful. Complaint dismissed.

Huffman Construction Co. v. Seaboard Air Line Ry. Co., 167 I. C. C. 265.

1340. Carload rate charged on one Diesel drag-line excavator from Evansville, Ind., to Miami, Fla., found inapplicable. Reparation awarded.

Fry Equipment Corp. v. Pennsylvania R. Co., 167 I. C. C. 267.

1341. Rate charged on empty, unfinished, iron and steel oil tanks, set up, in carloads, from Cleveland, Ohio, to Rochester, Pa., found applicable. Applicable rate not shown to be unreasonable or otherwise unlawful. Complaint dismissed.

North Shore Material Co. v. Chicago, M. & St. P. Ry. Co., 167 I. C. C. 270.

1342. Charges on crushed stone, in carloads, from Racine, Wis., to certain destinations in Illinois, found unreasonable, but not unduly prejudicial. Reparation awarded.

Purdy v. Atchison, Topeka & S. F. Ry. Co., 167 I. C. C. 273.

1343. Rates on furniture, in carloads, from points in Illinois, Indiana, Iowa, Missouri, and Wisconsin to Roswell, N. Mex., found not unreasonable.

1344. Rate charged on fiber furniture, in carloads, from Menominee, Mich., to Roswell, N. Mex., found inapplicable; applicable rate not unreasonable. Reparation awarded.

Davenport Chamber of Commerce v. Alton & Eastern R. Co., 167 I. C. C. 276.

1345. Rates on gasoline and other petroleum products, in carloads, from points in Kansas, Missouri, Oklahoma, and Arkansas to Davenport, Iowa, Rock Island and Peoria, Ill., and certain other points in Iowa, Missouri, and Illinois found not unreasonable or otherwise unlawful. Reparation denied and the complaints dismissed.

Held v. Atlantic Coast Line R. Co., 167 I. C. C. 289.

1346. Rate on one carload of lumber from Abbeville, Ala., to Detroit, Mich., found inapplicable. Reparation awarded.

Florida Fruit Cannery v. Atlantic Coast Line R. Co., 167 I. C. C. 291.

1347. Defendants' failure to publish and apply on interstate carload shipments of empty tin cans from Jacksonville, Fla., to Frostproof, Fla., the rate published to a more distant point and made subject to rule 77 of Tariff Circular 18-A found unreasonable. Reparation awarded.

1348. Rates on the above traffic found not in violation of the long-and-short-haul provision of section 4 of the interstate commerce act.

Clinton v. Baltimore & O. R. Co. 167 I. C. C. 292.

1349. Rates on bituminous coal, in carloads, from the Brazil-Clinton, Linton-Sullivan, Princeton, and Booneville groups in Indiana to Vermillion, Paris, Mays, Conlogue, and Dudley, Ill., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Shreveport Chamber of Commerce v. Chicago & E. I. Ry. Co., 167 I. C. C. 301.

1350. One mixed carload shipment of refrigerators and refrigerating machines, combined, set up, and cooling machines for refrigerators, from Detroit, Mich., to Shreveport, La., found misrouted. Other shipments found not misrouted. Reparation awarded.

1351. Rates charged on like traffic from and to the same points found applicable but the minimum weights used in computing charges found inapplicable, in part. Shipments found undercharged. Applicable rates and minimum weights found not unreasonable, or otherwise unlawful. Complaints in Sub-No. 1 and Sub-No. 2 dismissed.

Gofnick v. Chicago, R. I. & P. Ry. Co., 167 I. C. C. 306.

1352. Findings in former report herein, 146 I. C. C. 796, modified, and, as modified, affirmed.

Puget Sound-Portland joint passenger-train service, 167 I. C. C. 308.

1353. After hearings, findings in former reports, 96 I. C. C. 116 and 128 I. C. C. 149, affirmed, that operation of joint passenger-train service between Seattle, Wash., Tacoma, Wash., and Portland, Oreg., and division of earnings therefrom, will be in the interest of better service to the public, will promote economy of operation, and will not unduly restrain competition. Supplemental contract between applicants which extends terms and conditions of original contract, as amended, for a period of one year from March 31, 1930, approved for the future.

Rates on fresh meats and packing-house products, 167 I. C. C. 311.

1354. Rates required by the Board of Railroad Commissioners of the State of Iowa on fresh meats and packing-house products, in carloads, for application within the State of Iowa found not unduly prejudicial to interstate shippers or localities, or unjustly discriminatory against interstate commerce. Proceeding discontinued.

Vanderbilt Co. v. Atlantic Coast Line R. Co., 167 I. C. C. 319.

1355. Rates on clay or kaolin, including china clay, in carloads, from producing points in North Carolina, South Carolina, and Georgia, to destinations in central, eastern trunk-line, and New England territories found unreasonable and unduly prejudicial. Maximum reasonable and nonprejudicial rates prescribed for the future and reparation awarded.

1356. Rates assailed in No. 20409 and No. 20734, on imported china clay, in carloads, from north Atlantic ports to destinations in the States of New Jersey, New York, and in New England, found unreasonable, except New York, N. Y., to Montclair and Ridgefield, N. J. Maximum reasonable rates prescribed for the future and reparation awarded.

Swift & Co. v. Akron, C. & Y. Ry. Co., 167 I. C. C. 355.

1357. Rates on less-than-carload shipments of fresh meats and packing-house products, in peddler cars from Chicago, East St. Louis, Ill., Milwaukee, Wis., and other points to destinations in central territory, and from Harrisburgh, Pa., to interstate destinations in central and trunk-line territories found not unreasonable. Rules and regulations providing minimum weights and charges found not unreasonable in the past, but unreasonable for the future. Reasonable rules and regulations for the future prescribed. Reparation denied.

1358. Finding that defendants' failure to provide peddler-car service from and according as their lines serve Evansville, Ind., and Columbus, Ohio, at rates herein prescribed, will be unreasonable. Peddler-car service and maximum reasonable rates therefor prescribed for the future.

Sunbury Converting Works v. Central R. Co. of N. J., 167 I. C. C. 367.

1359. Rate charged on peroxide of hydrogen, in bulk in barrels, in carloads, from Perth Amboy, N. J., to Sunbury, Pa., found inapplicable. Applicable rate found not unreasonable. Reparation awarded.

Inland Products Co. v. Chicago, M., St. P., & P. R. Co., 167 I. C. C. 369.

1360. Rates on beverages, in carloads, from Spokane, Wash., found unreasonable but not otherwise unlawful to destinations in Montana, and not unreasonable or otherwise unlawful to destinations in North Dakota and South Dakota. Reasonable basis of rates for the future prescribed.

Coltco Corp. v. Arkansas & L. M. Ry. Co., 167 I. C. C. 375.

1361. Rates charged on secondhand machinery, in carloads, from certain points in Louisiana to certain points in Texas found to have been unreasonable. Reparation awarded.

Savannah River Lumber Co. v. Seaboard Air Line Ry. Co., 167 I. C. C. 379.

1362. Rate charged on rough gum lumber, in carloads, from Port Wentworth, Ga., to Norfolk, Va., found inapplicable. Reparation awarded.

Cockerill v. Atchison T. & S. F. Ry. Co., 167 I. C. C. 381.

1363. Rates charged on feeder cattle, in carloads, from certain points in Texas and Oklahoma to Richfield, Tekamah, and Gretna, Nebr., found inapplicable to the extent indicated but not unreasonable or otherwise unlawful. Reparation awarded.

Through routes and joint rates, 167 I. C. C. 385.

1364. Petition of Inland Waterways Corporation for through rail-barge-rail routes and joint rates between points in central and western trunk-line territories, on the one hand, and points in Louisiana and Texas, on the other, in addition to those required by our original report and order, 153 I. C. C. 129, as amended July 8, 1929, 156 I. C. C. 141, and May 15, 1930, 163 I. C. C. 716, denied.

Knoxville Freight Bureau v. Southern Ry. Co., 167 I. C. C. 392.

1365. Rates on hogs, in double-deck carloads, and cattle, in carloads, from Peoria, Paris, and East St. Louis, Ill., LaFayette and Indianapolis, Ind., Kansas City and St. Joseph, Mo., and Omaha, Nebr., to Knoxville, Tenn., found unreasonable but not unduly prejudicial. Reasonable rates prescribed and reparation awarded.

1366. Rate on like traffic from Chicago, Ill., to Knoxville found not unreasonable or unduly prejudicial.

Central Ill. Public Service Co. v. Cleveland, C., C. & St. L. Ry. Co., 167 I. C. C. 397.

1367. Rate on coal, in carloads, from Benham and Kenvir, Ky., to Quincy, Ill., found not unreasonable. Complaint dismissed.

Hoopeston Canning Co. v. Cleveland, C., C. & St. L. Ry. Co., 167 I. C. C. 400.

1368. Reparation based on findings in *Hliff-Bruff Chemical Co. v. C. & E. I. Ry. Co.*, as modified, 132 I. C. C. 282, as to a reasonable rate on bituminous coal, in carloads, from Harrisburg, Ill., to Hoopeston, Ill., over an interstate route, denied. Complaint dismissed.

Southern Carbon Co. v. Akron, C. & Y. Ry. Co., 167 I. C. C. 403.

1369. Rate on carbon black, in carloads, from Akron and East Akron, Ohio, to Swartz, La, found unreasonable. Reparation awarded.

Lumber from southern points, 167 I. C. C. 405.

1370. Proposed increased rates on lumber, in carloads, from points in the South to Montreal, Quebec, Canada, and intermediate destinations on the New York Central in Canada, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Meridian Traffic Bureau v. Alabama & V. Ry. Co., 167 I. C. C. 409.

1371. Commodity rates from Meridian, Miss., to Mobile, Ala., not shown to be unreasonable or otherwise unlawful. Complaint dismissed. Fourth-section relief denied.

North American Provision Co. v. Chicago & A. R. Co., 167 I. C. C. 413.

1372. Combination rate charged on a carload of fresh meat from Oklahoma City, Okla., originally consigned to Wilkes-Barre, Pa., but diverted at Buffalo, N. Y., to Hartford, Conn., and further diverted at Coxton, Pa., to Elizabeth, N. J., found not unreasonable. Collection of second diversion charge at Coxton found unreasonable. Reparation awarded and discontinuance of such diversion charge required.

Omaha Chamber of Commerce v. Chicago & N. W. Ry. Co., 167 I. C. C. 417.

1373. Classification rating and resulting class rates on corrugated-fiber boxes, knocked down, in carloads, from Omaha, Nebr., to certain points in Iowa found unreasonable. Reasonable rating and rates prescribed. Intrastate rating and rates from Keokuk, Iowa, to same destinations found to result in undue prejudice to shippers in interstate commerce. Basis for removal of undue prejudice indicated.

1374. Class B rating and resulting rates on cooperage, other than cereal beverage, in carloads, from Omaha, Nebr., to specified points in Iowa found not unreasonable. Intrastate rating and rates from specified Iowa points to the same destinations found to result in undue prejudice to shippers in interstate commerce. Basis for removal of undue prejudice indicated.

1375. Classification ratings on farm-wagon bodies, knocked down, in less than carloads, and on fresh or green vegetables, in less than carloads, found unreasonable. Reasonable classification ratings prescribed.

1376. Modified class C rating and rates on hay from certain points in Iowa to Rock Island, Moline, and East Moline, Ill., found not unreasonable. Intrastate rates from same origin points to Davenport, Iowa, found to result in undue prejudice to shippers in interstate commerce. Basis for removal of undue prejudice indicated.

1377. Other classification ratings, rules, and regulations found not unlawful.

Krenning Schlapp Wholesale Grocery Co. v. Chicago & N. W. Ry. Co., 167 I. C. C. 442.

1378. Rate charged on a carload of canned peas from Friesland, Wis., to St. Louis, Mo., found inapplicable.

1379. Defendants' failure to publish and apply on the above traffic the rate published from a more distant point and made subject to rule 77 of Tariff Circular 18-A found unreasonable. Reparation awarded.

Ohio Wood Products Co. v. Arcade & A. R. Corp., 167 I. C. C. 445.

1380. Rates charged on rough-turned wooden last blocks and rough-turned wooden bowling-pin blocks, loose, in carloads, from Arcade and other points in

New York to Cleveland and Portsmouth, Ohio, St. Louis, Mo., Johnson City and Brooklyn, N. Y., and Brockton, Montello, and Lynn, Mass., found not unreasonable or otherwise unlawful. Complaints dismissed.

Ziegler Co. v. Chicago, B. & Q. R. Co., 167 I. C. C. 449.

1381. Rate charged on one carload of hoisting machinery from Aurora, Ill., to Minneapolis, Minn., found inapplicable. Reparation awarded.

Elder Mfg. Co. v. Boston & A. R., 167 I. C. C. 452.

1382. Rail-water-and-rail and water-rail rates charged on less-than-carload shipments of cotton piece goods from numerous points in New England and West Haverstraw, N. Y., to St. Louis, Mo., found not unreasonable or otherwise unlawful. Complaint dismissed.

Watters-Tongue Lumber Co. v. Manistee & R. R. Co., 167 I. C. C. 455.

1383. Carload of lumber from Monroeville, Ala., to Dayton, Ky., found to have been misrouted. Reparation awarded.

Sulphuric acid from Southwest, 167 I. C. C. 459.

1384. Proposed increased rates on sulphuric acid, in tank cars, from points in the Southwest to Mississippi and Missouri River gateways and points beyond in defined territories found justified. Order of suspension vacated and proceeding discontinued.

Yeates Co. v. Atlantic Coast Line R. Co., 167 I. C. C. 463.

1385. Rates on vitrified paving brick, in carloads, from Alton, Ala., and Macon and Augusta, Ga., to Lakeland, Fla., found not unreasonable in the past. No finding made for the future. Complaint dismissed.

Eagle-Ottawa Leather Co. v. Cleveland, C., C. & St. L. Ry. Co., 167 I. C. C. 466.

1386. Rates on green-salted hides, in carloads, from Cleveland and Bryan, Ohio, to Grand Haven and Whitehall, Mich., and from Goshen, Ind., to Whitehall, found not unreasonable or unduly prejudicial. Complaints dismissed.

Baroody v. Atlantic Coast Line R. Co., 167 I. C. C. 471.

1387. Car-rental charges collected on interstate shipments of bananas in iced or dry refrigerator cars from south Atlantic ports to Florence, S. C., found applicable. Complaint dismissed.

Quisenberry Feed Mfg. Co. v. St. Louis-S. F. Ry. Co., 167 I. C. C. 473.

1388. Rate charged on a less-than-carload shipment of poultry feed from Kansas City, Mo., to Van Vleet, Miss., found applicable. Complaint dismissed.

Monongahela Valley Asso. v. Akron, C. & Y. Ry. Co., 167 I. C. C. 474.

1389. Class rates between Clarksburg, Fairmont, Grafton, Morgantown, Elkins, and certain other points in West Virginia, on the one hand, and points in central territory on the other hand, found unreasonable and unduly prejudicial and preferential. Order unnecessary in view of findings in *Eastern Class Rate Investigation*, 164 I. C. C. 314.

Shartzer v. Cleveland, C., C. & St. L. Ry. Co., 167 I. C. C. 479.

1390. Failure of defendants to publish and apply a rate on brick, in carloads, from Bedford, Ind., to Springfield, Ohio, in compliance with rule 77 of Tariff Circular 18-A, found unreasonable, but not otherwise unlawful. Reparation awarded.

Utah Coal Producers' Asso. v. Denver & R. G. W. R. Co., 167 I. C. C. 483.

1391. Rates on bituminous coal, in carloads, from mines in the Castle Gate district, Utah, to destinations in Colorado, Kansas, Missouri, and Nebraska, found not unreasonable, but unduly prejudicial. Basis for nonprejudicial relationship prescribed.

Hall v. Atlanta, B. & C. R. Co., 167 I. C. C. 493.

1392. Rates charged on cottonseed shavings, in carloads, from Tarboro, N. C., Columbia, S. C., and Atlanta, Ga., to New London and Palmertown, Conn., found inapplicable. Reparation awarded.

Manderscheid v. Chicago, B. & Q. R. Co., 167 I. C. C. 495.

1393. Rate on cereal beverages, in straight carloads, or in mixed carloads with ginger ale, from St. Joseph, Mo., to Sioux City, Iowa, found unreasonable to the extent indicated in the report but not otherwise unlawful. Reparation awarded.

Florida Power Corp. v. Atlantic Coast Line R. Co., 167 I. C. C. 499.

1394. Rates charged beyond Jacksonville on less-than-carload shipments of circuit breakers and generators from Erie, Pa., to Perry, Fla., and from Pittsburgh, Pa., to St. Petersburg, Fla., found inapplicable. Rates charged to Jacksonville found applicable. Reparation awarded.

Hall Lumber Co. v. Louisville & N. R. Co., 167 I. C. C. 501.

1395. Upon reconsideration, finding in 152 I. C. C. 427, that the rate charged on lumber, in carloads, from Brewton, Ala., to Toccoa, Ga., was inapplicable, reversed. Complaint dismissed.

Cheek-Neal Coffee Co. v. Pennsylvania R. Co., 167 I. C. C. 503.

1396. Rates charged on tin-plate scrap, in carloads, from Jacksonville, Fla., to Neville Island, Pa., and points taking same rates, found inapplicable in certain instances. Applicable rate found unreasonable. Reasonable rate for the future prescribed and reparation awarded.

American Tank Co. v. Kansas City, M. & O. Ry. Co., 167 I. C. C. 508.

1397. Rates charged on wooden tank material with hoop iron and rivets for same, in carloads, from Oklahoma City, Okla., to Pyote and McCamey, Tex., found unreasonable. Present rates found not unreasonable. Reparation awarded.

Routing between Panhandle & S. F. Ry. points, 167 I. C. C. 513.

1398. Proposed closing of routes embracing the Colorado & Southern and Fort Worth & Denver City, members of the Burlington system, on traffic from points in Idaho, Montana, Oregon, South Dakota, Utah, Wyoming, Colorado, Nebraska, and New Mexico to destinations on the Orient division of the Panhandle & Santa Fe in Texas, found justified except as to traffic from points on the Burlington system and as to livestock, potatoes, onions, and other perishable freight. Suspended schedules ordered canceled, without prejudice to the filing of new ones in conformity with the conclusions herein.

Pickwick-Greyhound lines v. Union Pac. R. Co., 167 I. C. C. 515.

1399. Motion to dismiss complaint, in advance of hearing, overruled.

Routing between Atchison, T. & S. F. Ry. points, 167 I. C. C. 517.

1400. Proposed changes in routings in connection with joint commodity rates from, to, or via Santa Fe system points in Oklahoma and Texas on the line formerly operated by the Kansas City, Mexico & Orient system to or from points on the Santa Fe system and other lines in central, eastern, and southern Texas, found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules of routings which are not unreasonably long as compared with other practicable through routes.

Lime from certain points in Tenn., Va., W. Va., Md., and Pa., 167 I. C. C. 520.

1401. Proposed readjustment of interstate rates on lime, in carloads, from points in Alabama, North Carolina, Georgia, Kentucky, Tennessee, Virginia, West Virginia, Maryland, and Pennsylvania to destinations in Tennessee, Virginia, North Carolina, and South Carolina found justified. Order of suspension vacated and proceeding discontinued.

Weighing and reweighing of cars, 167 I. C. C. 523.

1402. Proposed increased weighing and reweighing charge of the New Orleans Terminal Company on interstate carload shipments at New Orleans, La., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Kohler Co. v. Chicago & N. W. Ry. Co., 167 I. C. C. 525.

1403. Rates sought to be applied on four mixed carloads of generators, engines, switchboards, storage batteries, steel tanks, and fill pipes and caps from Sheboygan, Wis., to San Francisco, Calif., and Seattle, Wash., found inapplicable. Complaint dismissed.

Schnaible Coal Co. v. Chicago & E. I. Ry. Co., 167 I. C. C. 530.

1404. Rate on bituminous coal, in carloads, from the Brazil-Clinton group in Indiana to La Fayette, Ind., over interstate routes, found unreasonable. Reasonable rate prescribed and reparation awarded.

1405. Rate on bituminous coal, in carloads, from mines in the southern Illinois district to La Fayette found not unreasonable.

Atlantio Bridge Co. v. Louisville & N. R. Co., 167 I. C. C. 535.

1406. Rate charged on bridge builders' outfit, in carloads, from Marianna, Fla., to Greensboro, N. C., found applicable. Complaint dismissed.

Corn Exch. of Buffalo v. Baltimore & O. R. Co., 167 I. C. C. 538.

1407. Rates on blackstrap molasses, in tank-car loads, from New York, N. Y., Philadelphia, Pa., and Baltimore, Md., to specified destinations in New York and Pennsylvania, and Hagerstown, Md., found unreasonable. Reasonable rates prescribed and reparation awarded.

Joy v. Missouri-K.-T. R. Co., 167 I. C. C. 545.

1408. Defendant's practice of reserving to themselves the right to select the compress at which cotton shall be compressed in transit not shown to be unreasonable or otherwise unlawful. The selection by defendant carriers of the Traders Compress Company, a corporation, a portion of the stock of which is owned by cotton dealers, not shown to have resulted in violation of section 15 (11) of the interstate commerce act.

Hides, pelts, and skins, 167 I. C. C. 554.

1409. Proposed cancellation of commodity rates on hides, pelts, and skins, dry, in carloads, from El Paso, Tex., and intermediate points in New Mexico to Kansas City and St. Louis, Mo., and points east thereof found not justified. Suspended schedules ordered canceled and proceedings discontinued.

Blackmer & Post Pipe Co. v. Ahnapee & W. Ry. Co., 167 I. C. C. 557.

1410. Rates on vitrified clay sewer pipe and other clay products, in carloads, from St. Louis, Mo., to points in central territory, found unreasonable. Reasonable basis of rates prescribed for the future.

Cancellation of rates on lumber, 167 I. C. C. 561.

1411. Proposed elimination of Ikes, Chasmore, Anerol, Markee, Dear, Cravens, and Nitram, La., as stations on the Texas & New Orleans from tariffs naming rates on lumber and forset products, in carloads, from points in Louisiana to destinations in Texas and other States, found justified.

Perrine-Armstrong Co. v. Erie R. Co., 167 I. C. C. 566.

1412. Rates on rough lumber, in carloads, from Huntington, Markle, Red Key, and Grabill, Ind., to Cleveland, Ohio, found not unreasonable or otherwise unlawful. Complaints in No. 22384 and No. 22384 (Sub-No. 1) dismissed.

1413. Failure of defendants to publish and apply a rate on like traffic from Flora, Ind., to Bascom, Ohio, in compliance with rule 77 of Tariff Circular 18-A, found unreasonable, but not otherwise unlawful. Reparation awarded in No. 22384 (Sub-No. 2).

Higginson Construction Co. v. Alabama G. S. R. Co., 167 I. C. C. 569.

1414. Claim for reparation on certain shipments of cement, from Boyles, Ala., to Aucilla, Fla., found barred by the statute.

1415. Rate charged on carload shipments of the same commodity from Phoenixville, Ala., to Aucilla, found unreasonable. Reparation awarded. Present rate from Boyles and Phoenixville to Aucilla found not unreasonable or otherwise unlawful.

Hill Lumber Co. v. Delaware & H. Co., 167 I. C. C. 572.

1416. Carload rates on lumber from Thurman, Warrensburg, The Glen, Riverside, North Creek, and Lake George, N. Y., to destinations in Massachusetts, Vermont, and New Hampshire, found unreasonable. Reparation awarded.

Montello Granite Co. v. New York, N. H. & H. R. Co., 167 I. C. C. 577.

1417. Rate charged on rough granite, in carloads, from East Lyme, Conn., and Westerly, R. I., to Montello, Wis., found inapplicable. Applicable rate found not unreasonable or otherwise unlawful. Reparation awarded.

Moyer & Co. v. Chicago, M. & St. P. Ry. Co., 167 I. C. C. 580.

1418. Rate on green salted hides, in carloads, from Minneapolis, Minn., to Fort Wayne, Ind., found not unreasonable or otherwise unlawful. Complaint dismissed.

Bodine & Clark Livestock Comm. Co., v. Great Northern Ry. Co., 167 I. C. C. 582.

1419. Refusal of defendant to accept and transport in accordance with its tariff shipments of livestock tendered to it at Fort Browning, Mont., for movement westbound found an unlawful practice.

Hermel & Co., v. Baltimore & O. R. Co., 167 I. C. C. 585.

1420. Rates on fresh meat, in carloads, straight or mixed with packing-house products, from Austin, Minn., to destinations in eastern trunk-line and New England territories found unreasonable. Reparation awarded.

Kalamazoo Sled Co. v. Pennsylvania R. Co., 167 I. C. C. 587.

1421. Rate charged on folded wooden settees, in carloads, from Kalamazoo, Mich., to New York, N. Y., found inapplicable. Applicable rate found not unreasonable. Reparation awarded.

Peabody Lumber Co. v. Pennsylvania R. Co., 167 I. C. C. 590.

1422. Rate on rough lumber, in carloads, from Aylesworth, Ind., to Chicago, Ill., found not unreasonable or otherwise unlawful. Complaint dismissed.

Routing on export petroleum, 167 I. C. C. 592.

1423. Proposed cancellation of certain routes in connection with Gulf Coast Lines on shipments of petroleum, in tank-car loads, from various Texas points to Westwego, La., and other subports of New Orleans, La., for export, found not justified. Suspended schedules ordered canceled and proceedings discontinued. Prior report in I. S. Docket No. 3339, 160 I. C. C. 32.

Hillsboro Condensed Milk Co. v. Baltimore & O. R. Co., 167 I. C. C. 595.

1424. Rates for the transportation of evaporated milk, in cans in boxes, carloads, found not unreasonable but unduly prejudicial.

Cocoanut oil from Pacific coast, 167 I. C. C. 599.

1425. Proposed rates on cocoanut oil from points of shipment on and near the Pacific coast to certain destinations on and west of the Missouri River, found not justified. Suspended schedule ordered canceled without prejudice to the establishment of a minimum rate of 60 cents per 100 pounds from points of shipment to points of destination herein indicated.

Savannah Creosoting Co. v. Southern Ry. Co., 167 I. C. C. 612.

1426. Nonabsorption of switching charges at Port Wentworth, Ga., on numerous carloads of crossties moving between Port Wentworth and Carolina points found unlawful. Reparation awarded.

Carbide of lime in southern territory, 167 I. C. C. 615.

1427. Proposed revision of carload rates on carbide of lime (calcium) from, to, and between points in southern territory to the basis of sixth-class rates, comprising increases and some reductions, found not justified. Suspended schedules ordered canceled and proceeding discontinued, and respondents expected to file new schedules not exceeding bases indicated.

Roxana Petroleum Corp. v. Alton & E. R. Co., 167 I. C. C. 619.

1428. Rates on crude petroleum oil, in tank-car loads, from McCamey, Tex. to Roxana, Ill., and East Chicago, Ind., found not unreasonable. Complaint dismissed.

Champion Coated Paper Co. v. Alabama G. S. R. Co., 167 I. C. C. 622.

1429. Rates on printing paper other than newsprint, in carloads, from Hamilton, Ohio, to certain points in Oklahoma and northeast Texas found not unreasonable but unduly prejudicial. Nonprejudicial basis of rates prescribed for the future.

Consolidated Cement Corp. v. Atchison, T. & S. F. Ry. Co., 167 I. C. C. 627.

1430. Rates on cement, in carloads, from Fredonia and Mildred, Kans., to certain destinations in Texas, prior to December 12, 1927, found not unreasonable or unduly prejudicial, except rate to Shamrock, Tex., found to have been unreasonable. Reparation awarded.

Lee Clay Products Co. v. Chesapeake & O. Ry. Co., 167 I. C. C. 630.

1431. Rates on sewer pipe, wall coping, and flue linings, in carloads, from Clearfield, Ky., to destinations in Alabama, Florida, Georgia, Louisiana east of the Mississippi River, Mississippi, Tennessee, North Carolina, South Carolina, and Virginia found not unreasonable but unduly prejudicial. Nonprejudicial basis of rates prescribed for the future. Reparation denied.

Standard Oil Co. v. Texas & Pac. Ry. Co., 167 I. C. C. 637.

1432. Rate on crude petroleum oil, in carloads, from Wickett, Tex., to Sugar Creek, Mo., found not to have been unreasonable. Refund of overcharges directed. Complaint dismissed.

Tariffs of Warrior River Terminal Co., 167 I. C. C. 640.

1433. Upon investigation, found, that Warrior River Terminal Company's tariff denominating as switching the service performed between Birmingham, Ala., and points of interchange with connecting lines at the points named in said tariffs is lawful; and that the Inland Waterways Corporation's tariff providing for absorption of these charges within its Birmingham switching district is lawful. Proceeding discontinued.

Richmond Mica Corp. v. Atlantic Coast Line R. Co., 167 I. C. C. 647.

1434. Rates on crude mica ore or scrap mica, in carloads, from La Madera, and other points in New Mexico, to Richmond, Va., found unreasonable. Reasonable rates prescribed and reparation awarded.

Missouri Portland Cement Co. v. Abilene & Southern Ry. Co., 167 I. C. C. 650.

1435. Rates on cement, in carloads, from Prospect Hill (St. Louis), Mo., to points in Oklahoma and Texas found unreasonable and unduly prejudicial. Reasonable and nonprejudicial basis of rates prescribed for the future. Reparation awarded.

Blanchard Lumber Co. v. Boston & M. R., 167 I. C. C. 661.

1436. Upon reconsideration, finding in former report herein, 156 I. C. C. 185, that the failure of defendant to include Medford station within the switching limits at Boston is neither unjustly discriminatory nor unduly prejudicial, affirmed. Complaint dismissed.

Phoenix Horse Shoe Co. v. Chesapeake & O. Ry. Co., 167 I. C. C. 663.

1437. Rates charged on horseshoes and toe calks, in carloads, from Joliet, Ill., to Cincinnati, Ohio, Evansville, Ind., and Louisville, Ky., found not unreasonable in the past. Complaint dismissed.

1438. No findings or order for the future necessary because of conclusions and determinations in *Iron and Steel Cases*, 155 I. C. C. 517.

Naval stores from southern points, 167 I. C. C. 666.

1439. Proposed general readjustment of the rates on naval stores from points in South Atlantic and Gulf Coast States, to points in trunk-line and New England territories, found not justified. Suspended schedules ordered canceled. Lawful rates prescribed. Reparation denied, with certain exceptions.

1440. Findings in *Gillican-Chipley Co. v. Apalachicola R. Co.*, 148 I. C. C. 227, modified and previous orders vacated.

Smith Bros. v. Atchison, T. & S. F. Ry. Co., 167 I. C. C. 684.

1441. Shipments of contractor's machinery and outfits, in carloads, from Red Bluff, N. Mex., to El Paso, Tex., found misrouted. Rate over route shipments should have moved found unreasonable but not unduly prejudicial. Reparation awarded.

Peterson Art Furniture Co. v. Chicago G. W. R. Co., 167 I. C. C. 687.

1442. Rate charged on one mixed carload of furniture from Waterville, Minn., to New York, N. Y., found applicable. Complaint dismissed.

Pocahontas Tanning Co. v. Chesapeake & O. Ry. Co., 167 I. C. C. 688.

1443. Rate on liquid chestnut tanning extract, in carloads, from Lynchburg, Buena Vista, Charlottesville, and Waynesboro, Va., to Durbin, W. Va., found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rate prescribed for the future.

Robertson Co. v. Alabama G. S. R. Co., 167 I. C. C. 693.

1444. Basis of rates on iron or steel roofing and sheathing, asbestos and asphalt coated, in carloads, from Economy, Pa., to destinations in Oklahoma and Texas found unreasonable and unduly prejudicial. Lawful basis prescribed.

Lowe Paper Co. v. Kaydeross R. Corp., 167 I. C. C. 700.

1445. Combination rates on bituminous coal, in carloads, from origins in the Clearfield district in Pennsylvania to West Milton and Rock City Falls, N. Y., found inapplicable because certain factors not filed with this commission but not unreasonable or otherwise unlawful in the past. Reparation denied.

1446. Combination rates on box board, in carloads, from Rock City Falls, N. Y., to Ridgefield, N. J., found inapplicable because certain factors not filed with this commission but not unreasonable or otherwise unlawful in the past. Reparation denied.

Santarossa Mosaic & Tile Co. v. Wabash Ry. Co., 167 I. C. C. 706.

1447. Rate charged on a carload of marble chips from Indianapolis, Ind., to Decatur, Ill., found applicable and not unreasonable. Complaint dismissed.

Sugar from points in Louisiana to Arkansas, 167 I. C. C. 710.

1448. Proposed rail-barge-rail rates on sugar from points in Louisiana west of the Mississippi River to destinations in Arkansas found not justified. Order of suspension vacated and proceeding discontinued, without prejudice to establishment of rates on bases indicated in the report.

Iron and steel rails and crossties, 167 I. C. C. 719.

1449. Proposed revision in rates on iron and steel rails and crossties, in carloads, from Newark, Ohio, and Huntington, W. Va., to certain points in West Virginia, over interstate routes, Virginia, and Maryland, found not justified, but without prejudice to the filing of new schedules in conformity with the views expressed herein. Suspended schedules ordered canceled and proceeding discontinued.

Central N. J. Coal Exch. v. Central R. Co. of N. J., 167 I. C. C. 723.

1450. Rates on anthracite coal, in carloads, from mines in Pennsylvania to certain destinations in New Jersey found unreasonable and unduly prejudicial and preferential. Reasonable and nonprejudicial rates prescribed, and reparation awarded on shipments to Newark, West Newark, and Harrison, N. J.

Milne Lumber Co. v. N. Y. C. R. Co., 167 I. C. C. 743.

1451. No. 16880, demurrage charges collected for detention of a car of lumber at Detroit, Mich., originating at Pickering, La., found applicable. Complaint dismissed.

1452. No. 16880 (Sub-No. 1), demurrage charges collected for detention of a car of lumber at Detroit, Mich., originating at Springhill, La., found inapplicable. Reparation awarded.

1453. No. 16880 (Sub-No. 2), demurrage charges collected for the detention of a car of lumber at Detroit, Mich., originating at Alexandria, La., found inapplicable. Reparation awarded.

1454. No. 16880 (Sub-No. 3), demurrage charges collected for detention of a car of lumber at Herrick, Ill., and Detroit, Mich., originating at Denkmann, La., found inapplicable. Reparation awarded.

1455. No. 16880 (Sub-No. 4), that the facts of record are too meager and conflicting to justify a finding that the rate collected for the transportation of a car of lumber shipped from Hughes Springs, Tex., June 29, 1923, to Marine, Ill., reconsigned to East St. Louis, Ill., and thence reconsigned to Detroit, Mich., was unreasonable and inapplicable or that the demurrage charges collected for the detention of the same car at East St. Louis and Detroit were inapplicable. Complaint dismissed.

1456. No. 16880 (Sub-No. 5), demurrage charges collected for detention of a car of lumber at Marine, Ill., originating at Corinth, Miss., found applicable. Complaint dismissed.

1457. No. 16880 (Sub-No. 6), demurrage charges collected for detention of a car of lumber at Marine, Ill., and South Bend, Ind., found inapplicable. Reparation awarded.

1458. No. 16880 (Sub. No. 7), demurrage charges collected for detention at Detroit, Mich., on two cars of lumber, one in car I. C. 46039 originating at Pontotoc, Miss., found applicable; and the other in car P. M. 70144 originating at Manns Spur, Ga., found inapplicable. Reparation awarded.

1459. No. 16630, demurrage charges collected for detention of a car of lumber at Milwaukee, Wis., originating at Highland, Oreg., found inapplicable. Reparation awarded.

1460. No. 16594, demurrage charges collected for detention of a car of lumber at Marine, Ill., found inapplicable. Demurrage charges collected for detention of the car at Detroit, Mich., found applicable. Reparation awarded.

1461. No. 16595, demurrage charges collected for the detention of a car of lumber at Louisville, Ky., and Cleveland, Ohio, originating at Estelle, Ala., found inapplicable. Switching charges collected on the car at Cleveland, Ohio, found applicable. Reparation awarded.

1462. No. 16910, demurrage charges collected for detention of a car of lumber at Thebes, Ill., found applicable. Demurrage charges collected for detention of the car at Detroit found inapplicable. Reparation awarded.

American Mechanical Eng. Corp. v. Chicago, M., St. P. & P. R. Co., 167 I. C. C. 787.

1463. Rate charged on one carload of cast-iron radiators, from Edwardsville, Ill., to Fargo, N. Dak., found inapplicable. Reparation awarded.

Heywood-Wakefield Co. v. Chicago & N. W. Ry. Co., 167 I. C. C. 789.

1464. Charges collected on fiber furniture, in carloads, from Menominee, Mich., to Los Angeles, Calif., found applicable and not unreasonable. Complaint dismissed.

Dry paints and materials, 167 I. C. C. 792.

1465. Schedules proposing increased rates on dry paints and materials from Central Freight Association and Mississippi Valley territories to southern territory, found not justified. Suspended schedules ordered canceled and proceeding discontinued without prejudice to the filing of new schedules in conformity with the views expressed herein.

Out-of-line charges on grain, 167 I. C. C. 797.

1466. Schedules proposing the cancellation of free out-of-line hauls on interstate movements of grain, in carloads, from certain origins on respondent's lines in Kansas, Oklahoma, and Texas to Cherryvale and Coffeyville, Kans., Joplin, Mo., and other destinations in Missouri and southeastern Kansas grouped therewith, and beyond, when transited at Hutchinson, Kans., found justified. Order of suspension vacated and proceeding discontinued.

Grain and related articles from Oklahoma, 167 I. C. C. 801.

1467. Proposed cancellation of joint through export and coastwise rates and routes in connection with the Chicago, Rock Island & Pacific on grain and related articles, in carloads, from certain origins in Oklahoma on the Panhandle & Santa Fe to Louisiana Gulf ports and to Mobile, Ala., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Long Fork Ry. Co., 26 Val. Rep. 124.

1468. Final value for rate-making purposes of the property of the Long Fork Railway Company, owned and used for common-carrier purposes, found to be \$2,610,000, as of June 30, 1918, and of property used but not owned, \$24,898.

Cisco & Northern Ry. Co., 26 Val. Rep. 143.

1469. Final value for rate-making purposes of the property of the Cisco & Northeastern Railway Company, owned and used for common-carrier purposes, found to be \$1,170,000, as of December 31, 1921.

Mineral Range R. Co., 26 Val. Rep. 161.

1470. Final value for rate-making purposes of the property of the Mineral Range Railroad Company owned and used for common-carrier purposes found to be \$2,929,177, as of June 30, 1916, and of property used but not owned \$1,091,518.

1471. Final value for rate-making purposes of the property of the Hancock and Calumet Rail Road Company, owned but not used, leased to the Mineral Range Railroad Company, found to be \$835,000, as of June 30, 1916.

Franklin & Abbeville Ry. Co., 26 Val. Rep. 197.

1472. Final value for rate-making purposes of the property of The Franklin and Abbeville Railway Company owned and used for common-carrier purposes, found to be \$318,450, as of June 30, 1919, and of the property used but not owned \$133,679.

Pullman R. Co., 26 Val. Rep. 227.

1473. Final value for rate-making purposes of the property of the Pullman Railroad Company owned and used for common-carrier purposes, found to be \$405,000, as of June 30, 1919, and of the property used but not owned, \$243,365.

Norfolk & Western Ry. Co., 26 Val. Rep. 255.

1474. Final value for rate-making purposes of the property of Norfolk and Western Railway Company, owned and used for common-carrier purposes, found to be \$236,240,000 as of June 30, 1916, owned but not used \$35,600, and used but not owned \$77,954.

Duluth, Missabe & Northern Ry. Co., 26 Val. Rep. 387.

1475. Protests of Duluth, Missabe and Northern Railway Company; Spirit Lake Transfer Railway Company; Interstate Transfer Railway Company; and the Railroad and Warehouse Commission of the State of Minnesota against the tentative valuations of the properties of Duluth, Missabe and Northern Railway Company; Spirit Lake Transfer Railway Company; and Interstate Transfer Railway Company considered and determined.

1476. Final value as of June 30, 1919, for rate-making purposes of the property of Duluth, Missabe and Northern Railway Company, owned and used for common-carrier purposes, found to be \$42,725,000; and of property used but not owned, \$3,305,271.

1477. Final value as of June 30, 1919, for rate-making purposes of the property owned by Spirit Lake Transfer Railway Company, leased to and used by Duluth, Missabe and Northern Railway Company for common-carrier purpose, found to be \$2,100,000.

1478. Final value as of June 30, 1919, for rate-making purposes, of the property owned by Interstate Transfer Railway Company, leased to and used by Duluth, Missabe and Northern Railway Company for common-carrier purposes, found to be \$1,090,000.

Vicksburg, Shreveport & Pacific Ry. Co., 26 Val. Rep. 481.

1479. Final value for rate-making purposes of the property of the Vicksburg, Shreveport & Pacific Railway Company, owned and used for common-carrier purposes, found to be \$8,725,000, as of June 30, 1918, and of property owned but not used, \$290,000.

1480. Final value for rate-making purposes of the property of The Alabama and Vicksburg Railway Company, owned and used for common-carrier purposes, found to be \$7,827,500, as of June 30, 1918, of property used but not owned \$834, and of property owned but not used, \$1,097.

New York Connecting R. Co., 26 Val. Rep. 586.

1481. Final value for rate-making purposes of the property of The New York Connecting Railroad Company, owned and used for common-carrier purposes, found to be \$24,500,000 as of June 30, 1918.

Manufacturers' Junction R. Co., 26 Val. Rep. 607.

1482. Final value for rate-making purposes of the property of the Manufacturers' Junction Railway Company, owned and used for common-carrier purposes, found to be \$803,500 as of June 30, 1919; of property owned but not used, \$17,311; and of property used but not owned, \$3,653.

Carolina, Clinchfield & Ohio Ry., 26 Val. Rep. 629.

1483. Final value for rate-making purposes of the properties of the following carriers, owned or used for common-carrier purposes, as of June 30, 1917, found to be: Carolina, Clinchfield and Ohio Railway, owned and used \$37,233,000; owned but not used \$29,500; used but not owned \$575,699; Clinchfield Northern Railway of Kentucky, owned but not used, \$424,000; Carolina, Clinchfield and Ohio Railway of South Carolina, owned and used, \$1,649,141; used but not owned \$28,771.

Denver & Rio Grande R. Co., 26 Val. Rep. 733.

1484. Final value for rate-making purposes of the property of The Denver and Rio Grande Railroad Company, owned and used for common-carrier purposes, found to be \$101,500,000, as of June 30, 1919, of property owned but not used \$557,848, and of property used but not owned \$2,757,137.

1485. Final value for rate-making purposes of the property of The Rio Grande Junction Railway Company, owned but not used, leased to The Denver and Rio Grande Railroad Company, found to be \$2,280,000, as of June 30, 1919.

1486. Final value for rate-making purposes of the property of the Kenilworth and Helper Railroad Company, owned but not used, leased to The Denver and Rio Grande Railroad Company, found to be \$119,500, as of June 30, 1919.

New York Central R. Co., 27 Val. Rep. 1.

1487. Protests of the carriers against the tentative valuation of their properties considered and determined.

1488. Balances in road and equipment and in profit and loss accounts of consolidating railroad corporations can not properly be transferred to the books of the successor consolidated corporations. The latter should show in their investment in road and equipment accounts the considerations actually paid for the property acquired in the consolidation.

1489. A loan of public credit to a railroad corporation in raising money for construction purposes, while not a donation, is an aid and should be reported as such.

1490. Contributions of the carrier toward the total cost of roof and supports for a tunnel, masonry and lining in the tunnel, and viaducts for intersecting streets, incurred in connection with the lowering of its line in Park Avenue, New York City, were not improperly classified as the cost of rights in public domain under the circumstances of this case, where the major immediate use of the structures is to support the streets, and part of the cost of the work was borne by the city.

1491. Contributions of public authorities toward grade-crossing eliminations should be deducted from the cost of structures built for that purpose. This proceeds from an exception to the general rule, and is not affected by the existence of statutes under which the railroad would be compelled to bear the total expense of the work if it were being reproduced.

1492. Work that would not be necessary if railroad were obliterated and reconstructed should not be provided for in the estimate of cost of reproduction, but outlays of a capital nature for grading, paving, etc., made by the carrier for the acquisition or continued enjoyment of rights to use public places should be included as the cost of rights in public domain.

1493. General expenditures estimated at 1 per cent of the roadway accounts, exclusive of Land, in lieu of 1.5 per cent shown in the tentative valuations.

1494. Pier properties leased from the city of New York should be classified as rights in public domain, not as property used but not owned, the present public policy being to hold such properties in municipal ownership for coordinated development in the public interest. The rentals paid to the city for the use of such properties should not be capitalized but should be charged to current operating expenses.

1495. Submerged lands in Hudson River, New Jersey, lying between bulkhead and pierhead lines, conveyed in fee to a predecessor of the West Shore Railroad by State riparian commission, reclassified as property owned and used.

1496. Water-front lands in Boston, Mass., used by the Boston and Albany by virtue of licenses of Commonwealth of Massachusetts, reported as rights in public domain rather than as owned and used property.

1497. Exclusive by carriers for long periods of certain streets and alleys, ownership of which is asserted by the carriers, reported as rights in public domain, as no vacation by the municipalities has been disclosed. Such use by a carrier is a public one and does not constitute an abandonment of a highway by the city.

1498. New York Central's interest in Bath Street tract, Cleveland, Ohio, formerly a part of the public domain but from which the public easement had been removed by legislation, reported as used by the carrier but as owned by the city of Cleveland.

1499. Right of way through the United States Hospital grounds at Cleveland reported as right in public domain. Right of way through city waterworks at Joliet, Ill., shown as land used by the carrier but owned by the city in its proprietary capacity.

1500. Total final value for rate-making purposes of the properties of the various carriers embraced in this proceeding and used by the respective carriers for common-carrier purposes found to be \$1,578,206,614, including \$47,331,898 for working capital, as of the respective valuation dates.

Chicago & Western Indiana R. Co., 29 Val. Rep. 1.

1501. Final value for rate-making purposes of the property of the Chicago and Western Indiana Railroad Company, owned and used for common-carrier purposes, found to be \$24,550,000, as of June 30, 1918, of the property owned but not used, \$33,094,189, and of the property used but not owned, \$397,317.

1502. Final value for rate-making purposes of the property of The Belt Railway Company of Chicago, owned and used for common-carrier purposes, found to be \$539,000, as of June 30, 1918, and of the property used but not owned, \$18,404,173.

1503. Final value for rate-making purposes of the property of the Chicago, Peoria and Western Railroad Company, owned but not used, leased to The Belt Railway Company of Chicago, found to be \$18,400, as of June 30, 1918.

Western Ry. of Alabama, 29 Val. Rep. 87.

1504. Final value for rate-making purposes of the property of The Western Railway of Alabama, owned and used for common-carrier purposes, found to be \$6,125,000 as of June 30, 1918, of property owned but not used \$64,784, and of property used but not owned \$2,059.

Atlanta & West Point R. Co., 29 Val. Rep. 145.

1505. Final value for rate-making purposes of the property of the Atlanta and West Point Rail Road Company, owned and used for common-carrier purposes, found to be \$6,225,000, as of June 30, 1918, and of property owned but not used, \$19,307.

Northwestern Terminal R. Co., 29 Val. Rep. 182.

1506. Upon further hearing former report and order in 135 I. C. C. 482, approved.

Okmulgee Northern R. Co., 29 Val. Rep. 186.

1507. Final value for rate-making purposes of the property of the Okmulgee Northern Railway Company, owned and used for common-carrier purposes, found to be \$321,000, as of June 30, 1919.

Illinois Northern Ry., 29 Val. Rep. 210.

1508. Final value for rate-making purposes of the property of the Illinois Northern Railway owned and used for common-carrier purposes found to be \$972,023, as of June 30, 1918, and of property used but not owned, \$696,842.

Western Pacific Ry. Co., 29 Val. Rep. 239.

1509. Final value for rate-making purposes of the property of the Western Pacific Railway Company, owned and used for common-carrier purposes found to be \$63,861,208, as of June 30, 1914, of the property owned but not used, \$21,000, and of the property used but not owned, \$763,193.

Hocking Valley Ry. Co., 29 Val. Rep. 321.

1510. Final value for rate-making purposes of the property of The Hocking Valley Railway Company, owned and used for common-carrier purposes as of June 30, 1917, found to be \$33,460,000; used but not owned, \$1,028,123; and owned but not used, \$421.

1511. Final value for rate-making purposes of the property of The Wellston and Jackson Belt Railway Company, owned but not used for common-carrier purposes as of June 30, 1917, found to be \$398,000.

1512. Final value for rate-making purposes of the property of The Pomeroy Belt Railway Company, owned but not used for common-carrier purposes as of June 30, 1917, found to be \$628,000.

Sandy Valley & Elkhorn Ry. Co., 29 Val. Rep. 431.

1513. Final value for rate-making purposes of the property of The Sandy Valley & Elkhorn Railway Company, owned and used for common-carrier purposes as of June 30, 1918, found to be \$4,750,000 and of property used but not owned \$66,000.

Fort Worth Belt Ry. Co., 29 Val. Rep. 457.

1514. Final value for rate-making purposes of the property of the Fort Worth Belt Railway Company owned and used for common-carrier purposes, found to be \$368,632 as of June 30, 1918, and of the property used but not owned, \$147,317.

Texas & Pacific Ry. Co., 29 Val. Rep. 483.

1515. Final value for rate-making purposes, as of June 30, 1916, of the property of The Texas and Pacific Railway Company, owned and used for common-carrier purposes, found to be \$65,465,000 of property owned but not used, \$3,456,938, and of property used but not owned, \$64,031.

1516. Final value for rate-making purposes, as of June 30, 1916, of the property of the Weatherford, Mineral Wells & Northwestern Railway Company, owned and used for common-carrier purposes, found to be \$775,500.

1517. Final value for rate-making purposes, as of June 30, 1916, of the property of The Denison and Pacific Suburban Railway Company, owned and used for common-carrier purposes, found to be \$205,000, and of property used but not owned, \$4,500.

Madison County Ry. Co., 29 Val. Rep. 616.

1518. Final value for rate-making purposes of the property of the Madison County Railway Company, owned and used for common-carrier purposes, found to be \$132,500 as of June 30, 1916, and of property used but not owned \$105,000.

Birmingham Southern R. Co. 29 Val. Rep. 628.

1519. Final value for rate-making purposes of the property of the Birmingham Southern Railroad Company, owned and used for common-carrier purposes found to be \$3,785,000, as of June 30, 1917, of the property owned but not used, \$9,574, and of the property used but not owned, \$2,618.

New Orleans, Texas & Mexico R. Co., 29 Vol. Rep. 653.

1520. Final value for rate-making purposes of the property of the New Orleans, Texas & Mexico Railroad Company, owned and used for common-carrier purposes, found to be \$7,655,000 as of June 30, 1914, of the property used but not owned \$827,808, and of the property owned but not used \$1,150,000.

1521. Final value for rate-making purposes of the property of the Louisiana Southern Railway Company, owned but not used, devoted to common-carrier purposes, found to be \$825,000 as of June 30, 1918.

1522. Final value for rate-making purposes of the property of The St. Louis, Brownsville & Mexico Railway Company, owned and used for common-carrier purposes, found to be \$13,500,000 as of June 30, 1919, of the property used but not owned \$3,027, and of the property owned but not used \$41,532.

1523. Final value for rate-making purposes of the property of the New Iberia and Northern Railroad Company, owned and used for common-carrier purposes, found to be \$816,025 as of June 30, 1918, and of the property used but not owned \$807,610.

1524. Final value for rate-making purposes of the property of the Iberia, St. Mary & Eastern Railroad Company, owned but not used, devoted to common-carrier purposes found to be \$785,000 as of June 30, 1918.

1525. Final value for rate-making purposes of the property of The Orange & Northwestern Railroad Company, owned and used for common-carrier purposes, found to be \$842,550 as of June 30, 1919, of the property used but not owned \$43,800, and of the property owned but not used \$156.

1526. Final value for rate-making purposes of the property of The Beaumont, Sour Lake & Western Railway Company, owned and used for common-carrier purposes, found to be \$2,287,474 as of June 30, 1919.

1527. Final value for rate-making purposes of the property of the San Benito and Rio Grande Valley Railway Company, owned and used for common-carrier purposes, found to be \$661,100 as of June 30, 1919, and of the property used but not owned \$15,150.

1528. Final value for rate-making purposes of the Houston & Brazos Valley Railway Company, owned and used for common-carrier purposes found to be \$622,000 as of June 30, 1917, and of the property used but not owned \$72,776.

1529. Final value for rate-making purposes of the property of the Brownsville & Matamoros Bridge Company, owned and used for common-carrier purposes, found to be \$113,000 as of June 30, 1919, and of the property used but not owned \$32.

New York, New Haven & Hartford R. Co., 30 Val. Rep. 1.

1530. Final value for rate-making purposes of the property of The New York, New Haven and Hartford Railroad Company, owned and used for common-carrier purposes, found to be \$256,400,000, as of June 30, 1915, of property used but not owned \$120,615,724, and of property owned but not used \$3,516,650.

Central Vermont Ry. Co., 30 Val. Rep. 293.

1531. Final value for rate-making purposes as of June 30, 1917, of the property used by the Central Vermont Railway Company for common-carrier purposes found to be as follows: Owned and used \$16,366,850, used but not owned \$6,057,579, and owned but not used \$64,766.

Chicago & Eastern Illinois R. Co., 31 Val. Rep. 1.

1532. Final value for rate-making purposes of the property of the Chicago and Eastern Illinois Railroad Company, owned and used for common-carrier purposes, found to be \$63,606,000, as of June 30, 1915; of property owned but not used, \$1,513,500; and of property used but not owned, \$4,997,844.

Louisville, Henderson & St. Louis Ry. Co., 31 Val. Rep. 101.

1533. Final value for rate-making purposes of the property of the Louisville, Henderson and St. Louis Railway Company, owned and used for common-carrier purposes, found to be \$5,952,000 as of June 30, 1918, and of the property used but not owned, \$278,265.

Union Stock Yards Co. of Omaha, 31 Val. Rep. 136.

1534. Final value for rate-making purposes of the property of Union Stock Yards Company of Omaha (Limited), owned and used for common-carrier purposes, found to be \$1,477,155 as of June 30, 1919, and of property used but not owned, \$8,289.

Duluth & Iron Range R. Co., 31 Val. Rep. 159.

1535. Final value for rate-making purposes of the property of the Duluth and Iron Range Rail Road Company, owned and used for common-carrier purposes, as of June 30, 1919, found to be \$28,610,000, of the property owned but not used \$371, and of that used but not owned \$180,549.

Richmond, Fredericksburg & Potomac R. Co., 31 Val. Rep. 227.

1536. Final value for rate-making purposes of the property of the Richmond, Fredericksburg and Potomac Railroad Company, owned and used for common-carrier purposes, found to be \$11,784,320, and of the property used but not owned \$204,287, as of June 30, 1916.

1537. Final value for rate-making purposes of the property of the Washington Southern Railway Company, owned and used for common-carrier purposes, found to be \$7,429,680, of the property owned but not used \$19,900, and of the property used but not owned \$100,079, as of June 30, 1916.

South Buffalo Ry. Co., 31 Val. Rept. 320.

1538. Final value for rate-making purposes of the property of the South Buffalo Railway Company, owned and used for common-carrier purposes, found to be \$1,754,330 as of June 30, 1917, and of property used but not owned, \$79,419.

Sioux City Terminal Ry. Co., 31 Val. Rep. 343.

1539. Final value for rate-making purposes of the property of the Sioux City Terminal Railway Company, owned and used for common-carrier purposes, found to be \$169,741, as of June 30, 1918, and of property used but not owned, \$243,000.

Buffalo, Rochester & Pittsburgh Ry. Co., 31 Val. Rep. 361.

1540. Final value for rate-making purposes of the property of the Buffalo, Rochester and Pittsburgh Railway Company, owned and used for common-carrier purposes, found to be \$51,075,000, as of June 30, 1917, of property owned but not used, \$5,756, and of property used but not owned, \$9,660,664.

Baltimore, Chesapeake & Atlantic Ry. Co., 31 Val. Rep. 505.

1541. Final value for rate-making purposes of the property of the Baltimore, Chesapeake & Atlantic Railway Company owned and used for common-carrier purposes, found to be \$3,167,309 as of June 30, 1915, of property used but not owned \$290,000, and of property owned but not used \$2,300.

Trans-Mississippi Ter. R. Co., 31 Val. Rep. 533.

1542. Final value for rate-making purposes of the property of the Trans-Mississippi Terminal Railroad Company, owned and used for common-carrier purposes, found to be \$2,140,630, as of June 30, 1916, and of the property used but not owned, \$3,662,805.

Nashville, C. & St. L. Ry., 31 Val. Rep. 567.

1543. Final value for rate-making purposes of the property of The Nashville, Chattanooga & St. Louis Railway, owned and used for common-carrier purposes, as of June 30, 1916, found to be \$45,400,000; owned but not used, \$256,796; and used but not owned, \$24,445,395.

1544. Final value for rate-making purposes of the property of the Western & Atlantic Railroad, owned but not used, leased to other carriers for common-carrier purposes, found to be \$16,616,321, as of June 30, 1916.

Pittsburg & S. R. Co., 31 Val. Rep. 637.

1545. Final value for rate-making purposes of the property of the Pittsburg & Shawmut Railroad Company, owned and used for common-carrier purposes, found to be \$10,815,000 as of June 30, 1919, of the property owned but not used \$36, and of the property used but not owned, \$456,145.

Wheeling & L. E. Ry. Co., 31 Val. Rep. 707.

1546. Final value for rate-making purposes of the property of The Wheeling and Lake Erie Railway Company, owned and used for common-carrier purposes as of June 30, 1918, found to be \$41,417,800, of the property owned but not used, \$144,791, and of the property used but not owned \$827,280.

1547. Final value for rate-making purposes of the property of the Lorain and West Virginia Railway Company, owned and used for common-carrier purposes, as of June 30, 1918, found to be \$1,155,810, and of the property used but not owned \$101.

Toledo Terminal R. Co., 31 Val. Rep. 840.

1548. Final value for rate-making purposes of the property of The Toledo Terminal Railroad Company, owned and used for common-carrier purposes, found to be \$2,654,890, as of June 30, 1917, owned but not used \$388, and used but not owned \$395.

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Wood pulp from mill points in New England, 159 I. C. C. 610	345
Woolen clothing from Calif., 161 I. C. C. 713	758
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Wrought Washer Mfg. Co. <i>v.</i> Pere Marquette Ry. Co., 159 I. C. C. 75	210
Yavapai Onyx Mining Corp. <i>v.</i> Atchison, T. & S. F. Ry. Co., 163 I. C. C. 646	964
Yeates Co. <i>v.</i> Atlantic Coast Line R. Co., 167 I. C. C. 463	1385
Ziegler Bros. <i>v.</i> Southern R. Co., 157 I. C. C. 660	167
Ziegler Co. <i>v.</i> Chicago, B. & Q. R. Co., 167 I. C. C. 449	1381
Zimmerman <i>v.</i> Louisville & N. R. Co., 161 I. C. C. 419	672
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APPENDIX E

DIGEST OF FEDERAL COURT DECISIONS

DIGEST OF FEDERAL COURT DECISIONS

A discussion of court decisions involving injunctions to restrain enforcement of orders of this commission and of decisions relative to criminal violations of the law can be found in the text of this annual report. The decisions abstracted herein involve questions of railway regulations which are closely related to matters arising before commissions.

IN THE SUPREME COURT

MOTOR VEHICLES

In *Bekins Van Lines v. Riley* (November 25, 1929), it was held that a State statute imposing upon common carriers transporting freight by motor vehicles a tax of 5 per cent of their gross receipts is not unconstitutional as class legislation, though other freight carriers by motor vehicles are subjected to different and less burdensome taxation.

In *Carley v. Snook* (February 24, 1930), it was held that fees exacted by the State for the registration of motor vehicles are not "tolls" within the provision of the Federal highway act that highways built under such act shall be free of tolls of all kinds.

In *Grubb v. P. U. C.* (May 19, 1930), it was held that State courts have jurisdiction of a suit judicially to review an order of a State commission as to the route over which a bus line should be permitted to operate, the validity of which is assailed on the ground that it is in conflict with the commerce clause of the Constitution.

REASONABLE RATES

In *Calif. R. Comm. v. Los Angeles R. Corp.* (December 2, 1929), it was held that where a city makes a contract with a carrier, fixing the rates which it may charge, courts may not relieve the carrier from its obligations to serve at such rates, no matter how inadequate they may prove to be.

In *United R. & E. Co. v. West* (January 6, 1930), it was held that the fair rate of return to which a carrier is entitled is to be tested primarily by present-day conditions and not by what may have been a proper rate in the past. What will constitute a fair return for a carrier in a given case is not capable of exact mathematical demonstration, but is a matter more or less of approximation, about which conclusions may differ.

ORDERS OF STATE COMMISSIONS

In *Ex parte Northern Pac. Ry. Co.* (December 2, 1929), it was held that where in a Federal court a suit was brought to prevent enforcement of a State commission's rate order, a temporary restraining order had been granted, a single judge is without jurisdiction to hear either a motion to dissolve the restraining order or a motion to dismiss the bill on the merits.

In *Wis. R. Comm. v. Maey* (March 12, 1930), it was held that the court below in enjoining a rate order of a State commission must make a statement of its findings of fact and conclusions of law.

INTERSTATE COMMERCE

In *N. J. Bell Tel. Co. v. N. J. Board of Taxes* (January 6, 1930), it was held that a State may not tax, burden, or interfere with interstate commerce or tax, as such, gross earnings derived therefrom or impose a license fee or other burden upon the occupation or the privilege of carrying on such commerce, whatever may be the instrumentalities or means employed to that end; but a State may tax property used to carry on interstate commerce.

In the *Carley case*, cited above, it was further held that a State tax imposed on an interstate carrier by motor vehicles must, in order not to impose a forbidden burden on interstate commerce, bear some reasonable relation to the use of the State facilities by the carrier.

In *Superior Oil Co. v. Miss.* (February 24, 1930), it was held that a sale of gasoline is not converted into an interstate transaction by the fact that the gasoline is transported on boats operated by the purchaser into another State, for resale there, under a so-called bill of lading naming the purchaser as consignee and reciting that the gasoline shall remain the property of the seller until delivered to consignee at point of destination, since it is optional with the purchaser whether to carry the gasoline out of the State or not.

In *Western Cartridge Co. v. Emmerson* (May 19, 1930), it was held that the acceptance of orders for a product to be shipped to other States and foreign countries, and what is subsequently done in filling them, become component parts of interstate and foreign commerce; but a State has power to tax property therein without regard to its use in connection with interstate transactions.

In the *Grubb case*, cited above, it was further held that the commerce clause of the Constitution does not operate to commit to the Federal courts and to withhold from the State courts jurisdiction of all suits relating to the regulation or attempted regulation of interstate commerce.

In *Texas & N. O. R. Co. v. Brotherhood* (May 26, 1930), it was held that the power to regulate commerce is the power to enact all appropriate legislation for its protection and advancement, and to adopt measures to promote its growth and insure its safety.

DEPARTMENTAL PRACTICE

In *United States v. Jackson* (January 6, 1930), it was held that great weight is properly to be given to the construction consistently given to a statute by the executive department charged with its administration, and such construction is not to be overturned unless clearly wrong, or unless a different construction is plainly required; and the silence of Congress in the face of a long-continued practice of an executive department involving the construction of a Federal statute must be considered as equivalent to consent to continue the practice.

In *Fogg Bros. v. United States* (February 24, 1930), it was held that the mere admission by an administrative tribunal of matters which, under the rules of evidence applicable to judicial proceedings, would be deemed incompetent, or mere error in reasoning upon the evidence adduced, does not invalidate an order made by it.

CUMMINS AMENDMENT

In *Illinois Central R. Co. v. Crail* (February 24, 1930), it was held that, under the circumstances stated, the damages recoverable against a carrier in a suit by a coal dealer who had purchased coal in transit, brought under the Cummins amendment, for failure to deliver part of the carload so purchased, is the wholesale value of the coal not delivered, and not its retail value at the point of destination.

CONTRACT RATE

In the *Calif. R., Comm. case*, cited above, it was further held that where a city makes a contract with a carrier fixing the amounts to be paid for its service, the carrier may not be required to serve for less, even if the specified rates are unreasonably high, nor may the courts relieve the carrier from its obligation to serve at the agreed rate.

In *Chicago & N. W. Ry. Co. v. Lindell* (February 24, 1930), it was held that since the enactment of the Hepburn Act carriers may not accept services, advertising, property, or release of a claim for damages in payment for transportation but are required to collect the established rates, charges, and fares from all alike in cash.

In *Georgia Power Co. v. Decatur* (May 19, 1930), it was held that a public utility may not be relieved by the courts of its obligation to serve at rates established by contract with the public authorities.

COUNTERCLAIM IN ACTION FOR FREIGHT CHARGES

In the *Lindell case*, cited above, it was further held that a shipper sued for freight charges is not debarred from pleading, by way of set-off, a counterclaim for a loss suffered by him as a result of the carrier's failure to perform its obligations touching the transportation and delivery of the identical shipment.

MONEY ADVANCED BY UNITED STATES UNDER TRANSPORTATION ACT

In *United States v. Guaranty T. Co.* (February 24, 1930), it was held that the indebtedness of railroads to the United States for money advanced under the transportation act of 1920 is, in view of the general purposes and the specific provisions of that enactment, excluded from the operation of the law providing for priority of payment out of insolvent estates of debts due to the United States.

UNPROFITABLE FRANCHISE.

In *Broad River Power Co. v. South Carolina* (May 19, 1930), the court held that the refusal to permit abandonment of a part of a public utility franchise does not take property without due process of law, although such portion of the franchise has become unprofitable. Franchises are to be strictly construed, and that construction adopted which works least harm to the public.

ABANDONMENT OF STATION

In *Pittsburgh & W. V. Ry. Co. v. United States* (May 19, 1930), it was held that the mere fact that the lines of one railroad company connect with those of another at a distant point does not entitle it to bring suit to set aside an order of this commission granting leave to the latter railroad to abandon its station in a certain city, and use instead the facilities of a union terminal.

PRIOR ACTION BY THIS COMMISSION

In *Board of R. Comrs. v. Great Northern Ry. Co.* (May 19, 1930), it was held that the courts will not enjoin the enforcement of an order of a State board of railroad commissioners prescribing intrastate rates, on the ground that such rates cause an undue or unreasonable discrimination against interstate commerce, until the fact of such discrimination has been established in a proceeding before this commission.

IN THE CIRCUIT COURTS OF APPEALS

REASONABLE RATES

In *Oregon S. L. R. Co. v. Teton Coal Co.*, 35 F. (2d) 919, the court for the ninth circuit held that the prima facie presumption is that the published tariff of a carrier is reasonable.

PRIOR ACTION BY COMMISSION

In the *Oregon S. L. case*, cited above, it was also held that the question whether tariffs imposed by a carrier are discriminatory must be raised in the first instance before the commission.

RAILROAD TARIFFS

In *Updike Grain Co. v. Chicago & N. W. Ry. Co.*, 35 Ib. 486, the court for the eighth circuit held that all parts of a railroad tariff should be given effect, if possible; and, in construing one part of a document, resort may be had to other parts.

In *Gerrard Co. v. American Ry. Express Co.*, 35 Ib. 861, the court for the sixth circuit held that the courts will assume that the weight and designation found in tariffs are important and not surplusage in determining rates.

In *Callaway v. Atchison, T. & S. F. Ry. Co.*, 35 Ib. 319, the court for the eighth circuit held that the consignee becomes liable for the full amount of the tariff charges, whether demanded at the time of delivery or later.

INTERSTATE COMMERCE

In *Illinois Central R. Co. v. Mayfield*, 35 Ib. 808, the court for the sixth circuit held that an ordinance prohibiting the switching of trains across a city street is not violative of the commerce clause or of the transportation act, since the care of grade crossings is peculiarly within the State's police powers.

In *Tech. Radio Laboratory v. Fed. Radio Comm.*, 36 Ib. 111, the court for the District of Columbia held that under the commerce clause, Congress has the power to regulate interstate radio communication by delegating the authority to the Radio Commission.

In *New York v. Fed. Radio Comm.*, 36 Ib. 115, the court for the District of Columbia held that the interstate broadcasting of radio communications is subject to Federal regulation as interstate commerce.

In *Independent G. & W. Co. v. Dunwoody*, 40 Ib. 1, the court for the fifth circuit held that the Federal warehouse act does not prevent State regulations of agricultural warehousemen, though tending to affect interstate or foreign commerce.

RECOVERY OF FREIGHT CHARGES

In *Fullerton Lumber Co. v. Chicago, M., St. P. & P. R. Co.*, 36 Ib. 180, the court for the eighth circuit held that a carrier is entitled to recover freight charges, where a check for freight not promptly presented was not paid because the bank had failed, as an interstate commerce rule required the payment of charges in money.

BILLS OF LADING

In *Webb & Sons v. Central R. Co. of N. J.*, 36 Ib. 702, the court for the second circuit held that a uniform bill of lading drawn under the interstate commerce act includes lighterage as well as rail carriage, as respects rights and obligations of parties thereto.

RECORDS OF STEAMSHIP COMPANIES

In *United States v. Clyde S. S. Co.*, 36 Ib. 691, the court for the second circuit held that this commission is entitled to examine the records of steamship companies engaged in transportation for hire in connection with carriers by rail.

DEMURRAGE CHARGES

In *Central R. Co. of N. J. v. Schick*, 38 Ib. 968, the court for the third circuit held that a State may not regulate rates for demurrage charges where they are prescribed by a tariff filed with this commission.

SALE OF GOODS FOR CHARGES

In the *Schick case*, cited above, it was also held that a State law providing for the sale of goods for freight and other charges must be followed in an interstate shipment, where no such regulation has been adopted by Congress or this commission.

CONNECTING CARRIERS

In *Russo & Co. v. United States*, 40 Ib. 39, the court for the fifth circuit held that a railroad company may contract for the movement of freight over connecting carriers by land and water for shipment to or from a foreign country.

COMMODITY RATES

In *Standard Oil Co. v. Pennsylvania R. Co.*, 40 Ib. 52, the court for the seventh circuit held that a tariff prescribing petroleum rates in cents per 100 pounds established commodity rates and superseded those established by a previous tariff.

RECONSIGNMENT

In *Wabash Ry. Co. v. Horn*, 40 Ib. 905, the court for the seventh circuit held that partners requesting reconsignment of lumber diverted to them after becoming owners thereof are liable for the freight charges under the original bill of lading, notwithstanding the provision in the reconsignment letter "allowing all charges to follow the car."

PUBLIC CONVENIENCE AND NECESSITY

In *Missouri Pac. R. Co. v. Chicago, R. I. & P. Ry. Co.*, 41 Ib. 188, the court for the eighth circuit held that a decree enjoining proceedings for a grade crossing over another company's tracks before a State commission until a certificate of convenience from this commission was obtained is proper.

IN THE DISTRICT COURTS

COMBINATION RATES

In *Delmar Co. v. Great Northern Ry. Co.*, 34 F. (2d) 221, the court for the district of Minnesota held that a carrier can not apply combination of rates higher than the tariff specified, where the tariff was silent as to the route over which the rate would apply.

UNDERCHARGES

In *Atchison, T. & S. F. Ry. Co. v. Hunt*, 34 Ib. 582, the court for the western district of Missouri held that a carrier collecting insufficient freight charges from the buyer could recover the deficiency from the shipper, who consigned the goods to himself, notwithstanding the liability of the buyer under the implied contract with the carrier.

It was further held in this case that the consignor is primarily liable for freight charges, unless it is provided in the shipping contract that the carrier shall look to another.

CHARGES ERRONEOUSLY REFUNDED

In *Northern Pac. Ry. Co. v. Sommers*, 34 Ib. 56, the court for the district of Idaho held that a carrier can recover freight charges erroneously refunded, though there was an agreement by one defendant to reimburse the defendant paying the charges and it was not alleged that the reimbursement was not made.

TRANSPORTATION BY MOTOR VEHICLE

In *Butler-Newkirk Bus Line v. Sinclair*, 34 Ib. 780, the court for the district of New Jersey held that a State, in the exercise of its police power, may regulate the use of highways, and exclude unnecessary busses, including those used in interstate commerce.

In *Magnuson v. Kelly*, 35 Ib. 867, the court for the eastern district of Kentucky held that a State can not discriminate in favor of intrastate motor-bus traffic against interstate motor-bus traffic.

In *Atlantic-Pacific Stages v. Stahl*, 36 Ib. 230, the court for the western district of Missouri held that a State statute regulating motor-bus carriers is void under the commerce clause, in so far as it attempts to require the motor-bus companies to apply for certificates of convenience and necessity for interstate transportation.

INTERSTATE COMMERCE

In *Best Foods v. Welch*, 34 Ib. 682, the court for the district of Idaho held that when property which has been moved in interstate commerce has come to rest within a State, that State may tax it, even before sale in original package.

In *United States v. First Nat. Pictures*, 34 Ib. 815, the court for the southern district of New York held that the delivery of motion-picture films through exchanges in the performance of exhibition contracts, and redelivery thereof to exchanges, is interstate commerce.

In *Illinois Bell Tel. Co. v. Moynihan*, 38 Ib. 77, the court for the northern district of Illinois held that interstate telephone calls constitute interstate commerce and should be separated from the intrastate business in fixing telephone rates.

In *Brown v. Shields & Co.*, 41 Ib. 542, the court for the district of Massachusetts held that State laws imposing unreasonable restrictions on interstate commerce, or subjecting foreign corporations, not present within the State, to personal judgments, are unconstitutional.

CONFISCATORY RATES

In *Great Falls Gas Co. v. Mont. P. S. Comm.*, 34 Ib. 297, the court for the district of Montana held that a public-service commission can not require a utility to adopt rates giving less than a fair return.

In *Fort Worth Gas Co. v. Fort Worth*, 35 Ib. 743, the court for the northern district of Texas held that a rate charged by a public utility may by change in conditions become confiscatory.

In *New York Tel. Co. v. Prendergast*, 36 Ib. 54, the court for the southern district of New York held that a telephone company suing to enjoin the enforcement of a public-service commission's rate orders has the burden of establishing confiscation.

In *Central Ky. Natural Gas Co. v. Ky. R. Comm.*, 37 Ib. 938, the court for the eastern district of Kentucky held that on bill for injunction to restrain confiscatory utility rates fixed by a State board, the Federal district court hears the case de novo, and is not confined to the testimony heard before the State board.

In the *Illinois Bell Tel. Co. case*, cited above, it was further held that a subsidiary telephone company's agreements with a controlling company must be scrutinized carefully in its suit to enjoin enforcement of rates as confiscatory, but can not be rejected as shams, nor replaced by contracts found reasonable by this commission, in absence of bad faith.

In *Great Falls Gas Co. v. Mont. P. S. Comm.*, 39 Ib. 176, the court for the district of Montana held that the incidental regulations tending to make rates confiscatory are properly included in the order enjoining the enforcement of rates.

In *Sweetland v. Curtiss Airports Corp.*, 41 Ib. 927, the court for the northern district of Ohio held that minimum altitudes of flight in respect to aircraft as prescribed by traffic rules of the Secretary of Commerce are applicable alike under State law to interstate and intrastate commerce.

VALUATION OF UTILITIES

In *Great Falls Gas Co. v. Mont. P. S. Comm.*, 34 Ib. 297, the court for the district of Montana held that the true value of utility property must be the same for determining rates as for taxation.

In the *Fort Worth Gas case*, cited above, the court also held that the rate for gas supplied by a utility depends on the value of the company's properties, and that value may exceed the original cost.

In the *Prendergast case*, cited above, the court further held that the reproduction cost of a telephone company's property, less actual depreciation, is not the equivalent of "fair value," but merely the evidence of value for rate purposes.

CONVERSION OF STOCK

In *Cheatham v. Wheeling & L. E. Ry Co.*, 37 Ib. 593, the court for the southern district of New York held that in an action for refusal to convert stock, the fact that this commission's permission was necessary, and that defendant procured permission after application was made for conversion, was an insufficient defense.

PUBLIC CONVENIENCE AND NECESSITY

In *Batesville Tel. Co. v. Ind. P. S. Comm.*, 38 Ib. 511, the court for the southern district of Indiana held that a certificate of public convenience and necessity is not invalid because of the omission of the word "public" in the finding that a certificate should be issued.

CERTIFIED CLAIMS

In *United States v. Butte, A. & R. Ry. Co.*, 38 Ib. 871, the court for the district of Montana held that the allowance and certification of a claim by this commission under the transportation act, 1920, resting on an erroneous construction of the statute, was not final.

REPARATION

In *Adams v. Mellon*, 39 Ib. 80, the court for the northern district of Illinois held that commission men are not entitled to maintain an action on a reparation award based on an excessive charge for unloading stock, where the shippers had paid the charge.

In *Illinois Central R. Co. v. Vest*, 39 Ib. 658, the court for the eastern district of Kentucky held that a State railroad commission has the power to establish retroactive coal freight rates and award reparation for shipments made under old rates for the 2-year period prior to filing the complaint. The shipper may recover payments in excess of reasonable rates, regardless of whether he thereafter recouped the losses or passed them on to others.

In *Consolidated Cut Stone Co. v. Atchison, T. & S. F. Ry. Co.*, 39 Ib. 661, the court for the northern district of Oklahoma held that a consignee paying a carrier the freight at a rate found unreasonable can enforce reparation award for the excess, though the consignee received credit from the consignor for the charges.

LIMITATION OF ACTIONS

In *Chicago, R. I. & P. Ry. Co. v. Petroleum Refining Co.*, 39 Ib. 629, the court for the eastern district of Kentucky held that a movement of empty oil tank cars is not a "shipment" of property within the interstate commerce act fixing the time when the cause of action for the carrier's charges accrues.

COMMODITY RATES

In *Handy Chocolate Co. v. Boston & A. R.*, 40 Ib. 56, the court for the district of Massachusetts held that in a tariff quoting freight rates to certain points, the notification under I. C. C. rule 77 respecting the granting of intermediate rates did not cover class rates, but applied only to commodity rates.

ABANDONMENT OF LINE

In *Western Pac. R. Co. v. Nev.-Calif.-Oreg. Ry.*, 40 Ib. 731, the court for the northern district of California held that this commission's orders and certificate permitting the abandonment of a portion of railroad connecting lines are defense to an action for a breach of traffic contract.

APPENDIX F

STATEMENTS OF CERTIFICATES AND ORDERS ISSUED
UNDER VARIOUS SECTIONS OF THE INTERSTATE
COMMERCE ACT AND THE TRANSPORTATION ACT,
1920, AND STATEMENT OF PAYMENTS MADE BY CAR-
RIERS UNDER SECTION 15A OF THE INTERSTATE
COMMERCE ACT

CERTIFICATES OF CONVENIENCE AND NECESSITY FOR CONSTRUCTION ISSUED UNDER PARAGRAPHS (18) TO (22) OF SECTION 1 OF THE INTERSTATE COMMERCE ACT

Name of applicant	Location of line	Mileage
Algers, Winslow & Western Ry. Co.....	Pike County, Ind.....	4.20
Atlantic Coast Line R. R. Co.....	Polk County, Fla.....	7.00
Broward County Port Authority.....	Broward County, Fla.....	3.50
Chesapeake & Ohio Ry. Co.....	Fayette County, W. Va.....	5.40
Do.....	Raleigh County, W. Va.....	19.20
Chicago & North Western Ry. Co.....	Gogebic County, Mich.....	5.62
Chicago, Milwaukee, St. Paul & Pacific R. R. Co.....	Clay, Ray, and Caldwell Counties, Mo.....	14.68
Chicago, Rock Island & Gulf Ry. Co.....	Dallam, Hartley, Moore, and Hutchinson Counties, Tex.....	58.14
Do.....	Oldham and Deaf Smith Counties, Tex.....	50.00
Do.....	Wheeler, Collingsworth, Childress, Hardeman, Foard, and Wilbarger Counties, Tex.....	108.00
Chicago, Rock Island & Pacific Ry. Co.....	Curry and Quay Counties, N. Mex.....	26.00
City of Miami, Fla.....	Dade County, Fla.....	.60
Clackamas Eastern R. R. Co.....	Clackamas County, Oreg.....	4.00
Clinton-Oklahoma-Western R. R. Co. of Texas.....	Gray County, Tex.....	8.70
Dodge City & Cimarron Valley Ry. Co.....	Baca and Bent Counties, Colo.....	83.00
Elkhart & Santa Fe Ry. Co.....	Cimarron County, Okla., and Union and Colfax Counties, N. Mex.....	149.00
Fort Worth & Denver Northern Ry. Co.....	Childress, Collingsworth, Wheeler, and Gray Counties, Tex.....	110.00
Great Northern Ry. Co.....	Klamath County, Oreg., and Siskiyou, Modoc, and Lassen Counties, Calif.....	87.50
Great Northern Ry. Co. and Western Pacific R. R. Co.....	Modoc and Siskiyou Counties, Calif.....	36.00
Gulf & West Texas Ry. Co.....	Gillespie, Mason, McCulloch, Concho, and Tom Green Counties, Tex.....	113.00
Inter-California Ry. Co.....	Imperial County, Calif.....	5.80
International-Great Northern R. R. Co.....	Harris County, Tex.....	1.10
Levisa River R. R. Co.....	Pike County, Ky.....	28.00
Michigan Central R. R. Co. and New York Central R. R. Co.....	Kent County, Mich.....	2.95
Missouri Pacific R. R. Co.....	Sebastian County, Ark.....	.36
New York Central R. R. Co.....	New York City.....	4.50
Do.....	Onondaga County, N. Y.....	6.40
Norfolk & Western Ry. Co.....	McDowell County, W. Va., and Tazewell County, Va.....	8.00
Northern Pacific Ry. Co. and Oregon-Washington R. R. & Navigation Co.....	Grays Harbor and Jefferson Counties, Wash.....	64.50
Oneida & Western R. R. Co.....	Fentress County, Tenn.....	9.00
Oregon Electric Ry. Co.....	Linn County, Oreg.....	68.60
Ozark & Philpott Valley R. R. Co.....	Franklin County, Ark.....	7.00
Panhandle & Santa Fe Ry. Co.....	Potter, Moore, Sherman, and Dallam Counties Tex.....	98.00
Pittsburgh & Lake Erie R. R. Co.....	Beaver County, Pa.....	3.50
Pittsburgh & West Virginia Ry. Co.....	Washington County, Pa.....	6.00
Port Angeles Western R. R. Co.....	Clallam and Jefferson Counties, Wash.....	24.00
Quanaah, Acme & Pacific Ry. Co.....	Hardeman County, Tex.....	5.00
Do.....	Motley County, Tex.....	15.00
St. Louis & Ohio River R. R.....	St. Clair County, Ill.....	.17
St. Louis-San Francisco Ry. Co.....	Creek County, Okla.....	2.95
St. Louis, San Francisco & Texas Ry. Co.....	Wilbarger and Baylor Counties, Tex.....	42.00
St. Louis Southwestern Ry. Co.....	Craighead and Poinsett Counties, Ark.....	15.50
San Antonio & Aransas Pass Ry. Co.....	Harris County, Tex.....	1.50
Seaboard-All Florida Ry.....	Dade County, Fla.....	.37
South Plains & Santa Fe Ry. Co.....	Gaines County, Tex. and Lea County, N. Mex.....	46.00
Southern Pacific R. R. Co. and Southern Pacific Co.....	Solano County, Calif.....	.70
Sprucemont Nevada R. R. Co.....	Elko County, Nev.....	23.50
Sugar Land Ry. Co.....	Fort Bend County, Tex.....	12.00
Texas & New Orleans R. R. Co. and Morgan's Louisiana & Texas R. R. & Steamship Co.....	Lafourche Parish, La.....	5.47
Texas-New Mexico Ry. Co.....	Lea County, N. Mex.....	70.00
Texas Short Line Ry. Co.....	Van Zandt County, Tex.....	11.00
Toledo, Peoria & Western R. R.....	Peoria County, Ill.....	.60
Virginian Ry. Co.....	Fayette County, W. Va.....	1.00
Western Pacific R. R. Co.....	Plumas and Lassen Counties, Calif.....	112.00
Total number of miles.....		1,596.01

CERTIFICATES OF CONVENIENCE AND NECESSITY FOR ABANDONMENT ISSUED UNDER PARAGRAPHS (18) TO (22) OF SECTION 1 OF THE INTERSTATE COMMERCE ACT

Name of applicant	Location of line	Mileage
Alabama, Tennessee & Northern R. R. Corporation.	Mobile County, Ala.....	0. 280
Atchison, Topeka & Santa Fe Ry. Co.....	Harper County, Kans.....	7. 790
Bridgton & Harrison Ry. Co.....	Cumberland County, Me.....	3. 900
Bristol R. R. Co.....	Addison County, Vt.....	6. 140
Cairo, Truman & Southern R. R. Co.....	Poinsett County, Ark.....	1. 000
Do.....	Poinsett and Cross Counties, Ark.....	10. 000
Cement, Tolenas & Tidewater R. R. Co.....	Solano County, Calif.....	1. 900
Chicago & North Western Ry. Co.....	Marquette County, Mich.....	9. 895
Chicago, Burlington & Quincy R. R. Co. and Black Hills & Fort Pierre R. R. Co.	Lawrence and Meade Counties, S. Dak.....	41. 860
Chicago, Milwaukee & Gary Ry. Co.....	DeKalb, Ogle, and Winnebago Counties, Ill.....	15. 140
Chicago, Milwaukee, St. Paul & Pacific R. R. Co.	Dubuque County, Iowa.....	6. 800
Do.....	Clay, Ray, and Caldwell Counties, Mo.....	24. 000
Do.....	Bon Homme County, S. Dak.....	6. 710
Do.....	Clallam County, Wash.....	10. 000
Do.....	Walworth County, Wis.....	5. 020
Chicago, St. Paul, Minneapolis & Omaha Ry. Co.	St. Croix County, Wis.....	9. 590
Cimarron & Northwestern Ry. Co.....	Colfax Couty, N. Mex.....	7. 500
Colorado & Wyoming Ry. Co.....	Las Animas County, Colo.....	3. 020
Cumberland & Pennsylvania R. R. Co.....	Allegany County, Md.....	. 835
Delaware & Hudson Co.....	New York, Pennsylvania, and Vermont.....	881. 650
Denver & Rio Grande Western R. R. Co.....	Las Animas County, Colo.....	6. 400
Detroit & Mackinac Ry. Co.....	Iosco and Ogemaw Counties, Mich.....	31. 220
Detroit, Toledo & Ironton R. R. Co.....	Monroe County Mich.....	4. 800
Duluth, South Shore & Atlantic Ry. Co.....	Marquette County, Mich.....	11. 600
Edward Hines Yellow Pine Trustees.....	Lamar, Pearl River, and Hancock Counties, Miss.....	49. 870
Fonda, Johnstown & Gloversville R. R. Co....	Fulton County, N. Y.....	12. 040
Georgia & Florida R. R. by its receivers.....	Jenkins, Emanuel, and Toombs Counties, Ga.....	36. 600
Grand Rapids & Indiana Ry. Co. and Pennsylvania R. R. Co.	Missaukee and Roscommon Counties, Mich.....	6. 000
Grand Trunk Western R. R. Co.....	Huron County, Mich.....	. 250
Jacksonville, Gainesville & Gulf Ry.....	Alachua and Bradford Counties, Fla.....	18. 000
Kaydross R. R. Corporation.....	Saratoga County, N. Y.....	12. 000
Lake Providence, Texarkana & Western R. R. Co.	East Carroll Parish, La.....	8. 000
Long Island R. R. Co.....	Queens County, N. Y.....	4. 100
Louisiana Ry. & Navigation Co.....	Grant and Winn Parishes, La.....	25. 380
Louisiana Ry. & Navigation Co. of Texas.....	Caddo Parish, La.....	22. 500
Louisville & Nashville R. R. Co.....	Jefferson County, Ky.....	7. 700
Manila & Southwestern Ry.....	Craighead County, Ark.....	6. 000
Mineral Point & Northern Ry. Co.....	Iowa and Lafayette Counties, Wis.....	26. 400
Mineral Range R. R. Co. and Hancock & Calumet R. R. Co.	Houghton County, Mich.....	6. 000
Minneapolis, St. Paul. & Sault Ste. Marie Ry. Co.	Aitkin and Crow Wing Counties, Minn.....	32. 310
Montour R. R. Co.....	Allegheny County, Pa.....	2. 000
Nashville, Chattanooga & St. Louis Ry.....	Grundy and Marion Counties, Tenn.....	8. 430
Do.....	Hickman County, Tenn.....	1. 900
New London Northern R. R. Co. and Central Vermont Ry., Inc.	Windham County, Vt.....	35. 700
New Orleans Great Northern R. R. Co.....	St. Tammany Parish, La.....	12. 200
New York Central R. R. Co.....	New York City, N. Y.....	5. 000
Do.....	Oneida County, N. Y.....	2. 840
Do.....	Onondaga County, N. Y.....	2. 780
Do.....	Perry County, Ohio.....	4. 260
Norfolk & Western Ry. Co.....	Washington County, Va.....	3. 390
Oklahoma-Southwestern Ry. Co.....	Creek and Okmulgee Counties, Okla.....	28. 310
Oregon Short Line R. R. Co.....	Lincoln and Uinta Counties, Wyo.....	7. 410
Oregon-Washington R. R. & Navigation Co.....	Pacific County, Wash.....	28. 100
Pontchartrain R. R. Co.....	Orleans Parish, La.....	3. 200
Quannah, Aeme & Pacific Ry. Co.....	Hardeman County, Tex.....	3. 970
Reading, Marietta & Hanover R. R. Co. and Reading Co.	Lancaster County, Pa.....	6. 165
St. Louis-San Francisco Ry. Co.....	Stoddard and Dunklin Counties, Mo.....	55. 340
Seaboard Air Line Ry. Co.....	Stewart and Webster Counties, Ga.....	5. 800
Seaboard Air Line Ry. Co.....	Beaufort County, S. C.....	. 540
Seaboard Air Line Ry. Co. and Kissimmee River Ry.	Polk County, Fla.....	15. 100

**CERTIFICATES OF CONVENIENCE AND NECESSITY FOR ABANDON-
MENT ISSUED UNDER PARAGRAPHS (18) TO (22) OF SECTION 1
OF THE INTERSTATE COMMERCE ACT—Continued**

Name of applicant	Location of line	Mileage
Sharpsville R. R. Co.....	Mercer and Lawrence Counties, Pa.....	17. 932
Southern Pacific Co.....	Benton County, Oreg.....	. 600
Do.....	Linn County, Oreg.....	12. 694
Do.....	Washington, Yamhill, and Multnomah Coun- ties, Oreg.....	8. 930
Sunday Creek R. R. Co.....	Perry County, Ohio.....	4. 260
Sunflower & Eastern Ry. Co. and Yazoo & Mississippi Valley R. R. Co.	Sunflower and Tallahatchie Counties, Miss...	11. 680
Susquehanna River & Western R. R. Co., R. M. Gring and George H. Ross.	Perry County, Pa.....	4. 000
Tampa Northern R. R. Co. and Seaboard Air Line Ry. Co.	Hernando County, Fla.....	12. 290
Texas & New Orleans R. R. Co. and Lake Charles & Northern R. R. Co.	Beauregard and Vernon Parishes, La.....	20. 700
Wadley Southern Ry. Co.	Johnson, Jefferson, Emanuel, Candler, and Tattnall Counties, Ga.....	45. 333
West Virginia Midland Ry. Co.....	Webster County, W. Va.....	12. 910
Wiscasset, Waterville & Farmington Ry. Co..	Lincoln and Kennebec Counties, Me.....	43. 500
Total number of miles.....	1, 807. 464

CERTIFICATES OF CONVENIENCE AND NECESSITY FOR ACQUISITION AND/OR OPERATION OF LINES ISSUED UNDER PARAGRAPHS (18) TO (22) OF SECTION 1 OF THE INTERSTATE COMMERCE ACT

Name of applicant	Location of line	Mileage
Algiers, Winslow & Western Ry. Co.	Pike County, Ind.	5. 160
Bennettsville & Cheraw R. R. Co.	Marlboro, Dillon, and Marion Counties, S. C.	10. 440
Carrollton R. R.	Carroll County, Ky.	10. 000
Central Vermont Ry., Inc.	Vermont, New York, Massachusetts, and Connecticut.	394. 620
Chesapeake & Ohio Ry. Co.	Ohio.	320. 610
Do.	Pike, Ross, Pickaway, and Franklin Counties, Ohio.	63. 000
Do.	Vinton, Jackson, and Meigs Counties, Ohio.	21. 210
Chesapeake Beach Ry. Co.	Calvert and Dorchester Counties, Md.	16. 000
Chicago, Kalamazoo & Saginaw Ry. Co.	Kalamazoo, Barry, and Allegan Counties, Mich.	10. 300
Chicago, Milwaukee, St. Paul & Pacific R. R. Co.	Kankakee, Will, Kane, De Kalb, and Winnebago Counties, Ill.	82. 700
Do.	Caldwell, Ray, and Clay Counties, Mo.	36. 500
Chicago, Rock Island & Gulf Ry. Co.	Hardeman, Wilbarger, Baylor, Archer, Young and Jack Counties, Tex.	110. 000
Chicago, Rock Island & Pacific Ry. Co.	Denver County, Colo.	44. 100
Cincinnati, Georgetown R. R. Co.	Hamilton, Clermont, and Brown Counties, Ohio.	53. 690
Clackamas Eastern R. R. Co.	Clackamas County, Oreg.	13. 000
Colorado & Southern Ry. Co.	Huerfano, Pueblo, Jefferson, Douglas, Boulder, Larimer, and Weld Counties, Colo., and Laramie and Platte Counties, Wyo.	140. 492
Delaware & Hudson R. R. Corp.	New York, Pennsylvania, and Vermont.	881. 650
Delaware & Northern Ry. Co.	Delaware County, N. Y.	37. 520
Denver & Rio Grande Western R. R. Co.	El Paso County, Colo.	. 870
Erie & Michigan Ry. & Navigation Co.	Iosco County, Mich.	8. 360
Erie & Pittsburgh R. R. Co. and Pennsylvania R. R. Co.	Mercer County, Pa.	1. 900
Erie R. R. Co.	Livingston, Erie, and Orange Counties, N. Y.	12. 970
Georgia Southwestern & Gulf R. R. Co.	Crisp County, Ga.	4. 015
Greenbrier, Cheat & Elk R. R. Co.	Webster County, W. Va.	18. 000
Grand Trunk Western R. R. Co.	Michigan and Illinois.	80. 000
Do.	Ottawa and Muskegon Counties, Mich.	29. 410
Do.	Michigan, Indiana, Illinois, and Wisconsin.	993. 550
Louisiana, Arkansas & Texas Ry. Co.	Hunt, Colin, and Dallas Counties, Tex.	61. 100
Louisiana Ry. & Navigation Co.	Caddo Parish, La.	19. 500
Louisville & Nashville R. R. Co.	Orleans Parish, La.	1. 360
Michigan Central R. R. Co. and New York Central R. R. Co.	Kent County, Mich.	7. 300
Minneapolis, Anoka & Cuyuna Range R. R. Co.	Hennepin and Anoka Counties, Minn.	20. 660
New Orleans, Natalbany & Natchez Ry. Co.	St. Helena and Feliciana Parishes, La.	18. 000
Norfolk & Western Ry. Co.	Buchanan County, Va.	25. 410
Northeast Oklahoma R. R. Co.	Cherokee and Crawford Counties, Kans.	21. 380
Oklahoma City-Ada-Atoka Ry. Co.	Oklahoma and Pottawatomie Counties, Okla.	34. 460
Oregon-Washington R. R. & Navigation Co.	Grays Harbor County, Wash.	26. 500
Panhandle & Santa Fe Ry. Co., and Kansas City, Mexico & Orient Ry. Co., of Texas.	Brewster and Presidio Counties, Tex.	11. 210
Peninsula Terminal Co.	Multnomah County, Oreg.	2. 160
Pennsylvania R. R. Co.	Delaware and Madison Counties, Ind.	17. 140
Pere Marquette Ry. Co.	Niagara and Erie Counties, N. Y.	23. 220
Pittsburgh, Cincinnati, Chicago & St. Louis R. R. Co. and Pennsylvania R. R. Co.	Madison County, Ill.	7. 690
Rahway Valley Line.	Union and Essex Counties, N. J.	2. 700
St. Louis, San Francisco & Texas Ry. Co.	Hardeman, Foard, and Wilbarger Counties, Tex.	35. 000
Do.	Jack, Wise, and Tarrant Counties, Tex.	71. 600
St. Louis Southwestern Ry. Co.	Poinsett, Cross, and Crittenden Counties, Ark.	66. 900
Do.	Dunklin, New Madrid, and Pemiscot Counties, Mo., and Mississippi, Craighead, and Poinsett Counties, Ark.	62. 230
St. Paul & Kansas City Short Line R. R. Co.	Caldwell, Ray, and Clay Counties, Mo.	37. 500
Savannah & Atlanta Ry. Co.	Chatham, Effingham, Screven, Burke, Jefferson, Glascock, and Warren Counties, Ga.	147. 180
Seaboard Air Line Ry. Co.	Dade County, Fla.	. 960
Smoky Mountain R. R.	Sevier County, Tenn.	1. 170
Southern Pacific Co.	Imperial County, Calif.	9. 850

CERTIFICATES OF CONVENIENCE AND NECESSITY FOR ACQUISITION AND/OR OPERATION OF LINES ISSUED UNDER PARAGRAPHS (18) TO (22) OF SECTION 1 OF THE INTERSTATE COMMERCE ACT—Continued

Name of applicant	Location of line	Mileage
Texas & New Orleans R. R. Co.....	Harris County, Tex.....	2. 600
Texas & New Orleans R. R. Co. and Orange & Northwestern R. R. Co.	Orange County, Tex.....	2. 480
Texas & New Orleans R. R. Co. and San Antonio & Aransas Pass Ry. Co.	Nueces County, Tex.....	6. 000
Texas-Mexican Ry. Co.....	Duval County, Tex.....	3. 000
Do.....	Nueces County, Tex.....	4. 000
Toledo, Peoria & Western R. R.....	Peoria County, Ill.....	7. 100
Upper Merion & Plymouth R. R. Co.....	Montgomery County, Pa.....	2. 310
West River R. R. Co.....	Windham County, Vt.....	35. 700
Western New York & Pennsylvania Ry. Co. and Pennsylvania R. R. Co.	Lawrence County, Pa.....	2. 770
Western Pacific R. R. Co.....	Lassen and Modoc Counties, Calif.....	7. 500
White River R. R., Inc.....	Windsor County, Vt.....	19. 340
Winchester & Wardensville R. R. Co.....	Frederick County, Md., and Hampshire and Hardy Counties, W. Va.	38. 000
Total number of miles.....		4, 263, 047

AUTHORIZATION OF CONTROL OF ONE CARRIER BY ANOTHER CARRIER UNDER PARAGRAPH (2) OF SECTION 5 OF THE INTER- STATE COMMERCE ACT

Carrier acquiring control	Control acquired		
	Owning company	Miles of road	How acquired
Atchison, Topeka & Santa Fe Ry. Co.	Oil fields & Santa Fe Ry. Co.	28.40	Lease.
Atlantic City R. R. Co.	Wildwood & Delaware Bay Short Line R. R. Co.	4.20	Purchase of stock.
Baltimore & Ohio R. R. Co.	Buffalo & Susquehanna R. R. Corporation.	253.00	Do.
Do.	Buffalo, Rochester & Pittsburgh Ry. Co.	370.00	Do.
Boston & Maine R. R.	Springfield Terminal Ry. Co.	6.50	Do.
Do.	Vermont Valley R. R. and Sullivan County R. R.	51.00	Lease.
Brattleboro & Whitehall R. R. Co.	West River R. R. Co.	35.70	Purchase of stock.
Canadian National Ry. Co.	Central Vermont Ry., Inc.	246.62	Do.
Do.	Grand Trunk Western R. R. Co.	903.69	Do.
Central R. R. Co. of New Jersey.	Wharton & Northern R. R. Co.	20.57	} Do.
Central Vermont Ry., Incorporated	Mount Hope Mineral R. R. Co.	3.64	
Do.	Bethel Granite Ry. Co., Southern New England Ry. Co., Southern New England R. R. Corporation, Montreal & Province Line Ry. Co., Montreal & Vermont Junction Ry. Co., Standstead, Shefford & Chambly R. R. Co., and Central Vermont Transportation Co. (water carrier).	105.05	Do.
Do.	New London Northern R. R. Co.	125.29	Lease.
Chesapeake & Ohio Ry. Co.	Big Sandy & Kentucky River Ry. Co.	25.50	Purchase of stock.
Delaware & Hudson R. R. Corp.	Greenwich & Johnsonville Ry. Co., Schoharie Valley Ry. Co., Cooperstown & Charlotte Valley R. R. Co., Cooperstown & Susquehanna Valley R. R., Ticonderoga R. R. Co., Wilkes-Barre Connecting R. R. Co., and Champlain Transportation Co. (water carrier).	66.41	Do.
Do.	Albany & Susquehanna R. R. Co., Rensselaer & Saratoga R. R. Co., Rutland & Whitehall R. R. Co., Albany & Vermont R. R. Co., and Saratoga & Schenectady R. R. Co.	318.47	Lease.
Do.	Northern Coal & Iron Co. and Chateaugay & Lake Placid Ry. Co.	90.16	Purchase of stock and lease.
Duluth, Missabe & Northern Ry. Co.	Duluth & Iron Range R. R. Co.	269.77	Lease.
Elmira & Lake Ontario R. R. Co.	Marion Ry. Corporation	8.38	Purchase of stock.
Grand Trunk Western R. R. Co.	Cincinnati, Saginaw & Mackinac R. R. Co.	52.97	Lease.
Do.	Detroit & Toledo Shore Line R. R. Co.	78.00	} Purchase of stock.
Gulf, Mobile & Northern R. R. Co.	Detroit Terminal R. R. Co.	17.99	
Do.	New Orleans Great Northern R. R. Co.	239.56	Exchange of stock.
Illinois Terminal Co.	St. Louis & Alton Ry. Co.	33.00	} Lease.
Kansas & Sidell R. R. Co.	Alton & Eastern R. R. Co.	38.00	
Louisville & Nashville R. R. Co.	East St. Louis & Suburban Ry. Co.	6.00	
Do.	Yale Short Line R. R. Co.	13.00	Do.
Maine Central R. R. Co.	Carrollton R. R.	10.00	Purchase of stock.
Michigan Central R. R. Co. and New York Central R. R. Co.	South East & St. Louis Ry. Co.	207.70	Lease.
Missouri-Kansas-Texas R. R. Co.	Upper Coos R. R. of New Hampshire	41.52	Purchase of stock.
New York Central R. R. Co.	Lansing Manufacturers R. R.	13.89	Lease.
Do.	Beaver, Meade & Englewood R. R. Co.	65.10	Purchase of stock.
Do.	Canadian Pacific Car & Passenger Transfer, Ltd.	1.00	Do. ¹
Do.	Federal Valley R. R. Co.	16.00	Do.
Do.	Owasco River Ry.	.82	Do.
Do.	Sewell Valley R. R. Co.	40.35	} Do. ¹
Do.	Loop & Lookout R. R. Co.	18.77	
	Greenbrier & Eastern R. R. Co.	10.98	

¹ Joint control.

**AUTHORIZATION OF CONTROL OF ONE CARRIER BY ANOTHER
CARRIER UNDER PARAGRAPH (2) OF SECTION 5 OF THE INTER-
STATE COMMERCE ACT—Continued**

Carrier acquiring control	Control acquired		
	Owning company	Miles of road	How acquired
Norfolk & Western Ry. Co.....	Knox Creek Ry. Co.....	7.71	Lease.
Oklahoma City-Ada-Atoka Ry. Co.	Shawnee Interurban Ry. Co.....	39.00	Purchase of stock.
Pennsylvania R. R. Co.....	New York & Long Branch R. R. Co.....	38.00	Do. ¹
Do.....	Western New York & Pennsylvania Ry. Co.	567.00	Lease.
Do.....	West Jersey & Seashore R. R. Co.....	340.00	Do.
Pittsburgh, Cincinnati, Chicago & St. Louis R. R. Co.	St. Louis Connecting R. R. Co.....	7.69	Purchase of stock.
Rahway Valley Co.....	Rahway Valley Line.....	3.70	Lease.
Reading Co.....	Trenton-Princeton Traction Co.....	12.56	Purchase of stock.
St. Louis-San Francisco Ry. Co..	Gulf, Texas & Western Ry. Co.....	99.60	Do.
Do.....	Miami Mineral Belt R. R. Co.....	11.00	Lease.
St. Louis, San Francisco & Texas Ry. Co.	Gulf, Texas & Western Ry. Co.....	99.60	Do.
Southern Pacific Co.....	Clackamas Eastern R. R. Co.....	17.00	Purchase of stock.
Wabash Ry. Co.....	Lafayette Union Ry. Co.....	3.89	Lease.
Western Maryland Ry. Co.....	Chaffee R. R. Co.....	3.50	Purchase of stock and lease.
Do.....	Greenbrier, Cheat & Elk R. R. Co.....	18.00	Lease.
Total.....	5,105.25	

¹ Joint control.

**AUTHORIZATION OF CONSOLIDATION OF TELEPHONE COMPANIES
AND ACQUISITION OF TELEPHONE PROPERTIES UNDER PARA-
GRAPH (9) OF SECTION 407 OF THE TRANSPORTATION ACT, 1920,
AS AMENDED**

Bell Telephone Co. of Nevada to acquire the properties of the Utah, Nevada & Idaho Telephone Co., serving 66 subscriber stations, with 204 pole miles of toll lines, in Nevada.

Bell Telephone Co. of Nevada and Mountain States Telephone & Telegraph Co. to acquire the properties of the White Pine Telephone Co., serving 482 subscriber stations, with 217 pole miles of toll lines, in Nevada and Utah.

Bell Telephone Co. of Pennsylvania to acquire the properties of the Bear Gap & Numidia Telephone Co., serving 283 subscriber stations, with 28 pole miles of toll lines, in Pennsylvania.

Bell Telephone Co. of Pennsylvania to acquire certain properties of the Cumberland Valley Telephone Co., serving 4,576 subscriber stations, with 163 pole miles of toll lines; and latter company to acquire certain properties of the Bell Telephone Co. of Pennsylvania, serving 10,704 subscriber stations, with 122 pole miles of toll lines, in Pennsylvania.

Bell Telephone Co. of Pennsylvania to acquire the properties of the Paupack Telephone Co., serving 550 subscriber stations, with 50 pole miles of toll lines, in Pennsylvania.

Bell Telephone Co. of Pennsylvania to acquire the properties of the McMurray Telephone Co., serving 410 subscriber stations, with 6 pole miles of toll lines, in Pennsylvania.

Chesapeake & Potomac Telephone Co. of Virginia to acquire the properties of the Dover Telephone Co., the Hanover Telephone Co., and the Midlothian Telephone Co., serving 231 subscriber stations, with 23.1 pole miles of toll lines, in Virginia.

Chesapeake & Potomac Telephone Co. of Virginia to acquire control of the Petersburg Telephone Co., by purchase of capital stock, which serves 6,154 subscriber stations, with 52 pole miles of toll lines, in Virginia.

Indiana Bell Telephone Co. to acquire certain properties of the Rosedale Mutual Telephone Co., serving 152 subscriber stations, in Indiana.

Lehigh Telephone Co. to acquire the properties of the Lower Saucon Telephone Co., serving 120 subscriber stations, in Pennsylvania.

Michigan Bell Telephone Co. to acquire the telephone properties of Mrs. Leo Ross, doing business as Beaverton Telephone Co., serving 204 subscriber stations, in Michigan.

Michigan Bell Telephone Co. to acquire the properties of the Benzie Consolidated Telephone Co., serving 452 subscriber stations, with 30.9 pole miles of toll lines, in Michigan.

Michigan Bell Telephone Co. to acquire the properties of the Livingston County Mutual Telephone Co., serving 1,244 subscriber stations, in Michigan.

Michigan Bell Telephone Co. to acquire the telephone properties of W. B. and Rachel Serviss, doing business as the Serviss Telephone System, serving 75 subscriber stations, in Michigan.

Michigan Bell Telephone Co. to acquire the properties of the Thumb Telephone Co., serving 221 subscriber stations, in Michigan.

Mountain States Telephone & Telegraph Co. to acquire the properties of the Southern Utah Telephone Co., serving 375 subscriber stations, with 187 pole miles of toll lines, in Utah.

New England Telephone & Telegraph Co. to acquire the telephone properties of E. M. Partridge, doing business as the Millers Falls Telephone Co., serving 245 subscriber stations, in Massachusetts.

New England Telephone & Telegraph Co. to acquire control of the Orange County Telephone Co., by purchase of capital stock, which serves 1,214 subscriber stations, in Vermont.

New England Telephone & Telegraph Co. to acquire control of the White River Valley Telephone Co. by purchase of capital stock, which serves 1,809 subscriber stations, in Vermont.

New England Telephone & Telegraph Co. to acquire control of the Windham County Telephone Co., Incorporated, by purchase of capital stock, which serves 493 subscriber stations, with 28 pole miles of toll lines, in Vermont.

New Jersey Bell Telephone Co. to acquire the properties of the Delaware Valley Telephone Co., serving 190 subscriber stations, with 12.9 pole miles of toll lines, in New Jersey.

New Jersey Bell Telephone Co. to acquire the properties of the Egg Harbor City Telephone Co., serving 600 subscriber stations, in New Jersey.

New Jersey Bell Telephone Co. to acquire the properties of the Farmers & Traders Telephone Co., serving 1,289 subscriber stations, in New Jersey.

New Jersey Bell Telephone Co. to acquire the properties of the Middlesex Telephone Co., serving 250 subscriber stations, with 7.5 pole miles of toll lines, in New Jersey.

New Jersey Bell Telephone Co. to acquire the properties of the Vincentown & Tabernacle Telephone Co., serving 190 subscriber stations, in New Jersey.

New York Telephone Co. to acquire the properties of the Greenville Telephone Association, serving 405 subscriber stations, in New York.

Northwestern Bell Telephone Co. to acquire the telephone properties of Gertrude A. Fox, doing business as the Warroad Telephone Co., serving 515 subscriber stations, with 75 pole miles of toll lines, in Minnesota.

Ohio Bell Telephone Co. to acquire the properties of the Chester Telephone Co., serving 189 subscriber stations, in Ohio.

Ohio Bell Telephone Co. to acquire the properties of the Wintersville Telephone Co., serving 99 subscriber stations, in Ohio.

Ohio Bell Telephone Co. to acquire the properties of the Cedarville Telephone Co., serving 412 subscriber stations, in Ohio.

Ohio Bell Telephone Co. to acquire the properties of the West Jefferson Home Telephone Co., serving 509 subscriber stations, in Ohio.

Otsego & Delaware Telephone Co. to acquire the properties of the Rose Telephone Co., serving 1,259 subscriber stations, with 55 pole miles of toll lines, in New York.

Southern Bell Telephone & Telegraph Co. to acquire the telephone properties of R. C. Corr, doing business as the Parrish Telephone Co., serving 123 subscriber stations, in Alabama.

Southern Bell Telephone & Telegraph Co. to acquire the telephone properties of B. F. Hatch, doing business as the Uniontown Telephone Co., serving 173 subscriber stations, in Alabama.

Southern Bell Telephone & Telegraph Co. to acquire the properties of the Hartsville Home Telephone Co., serving 254 subscriber stations, in Tennessee.

Southwestern Bell Telephone Co. to acquire certain properties of the Scotia Telephone Co., serving 542 subscriber stations, in Missouri.

Southwestern Bell Telephone Co. to acquire the telephone properties of the W. T. Conway and A. J. Nelson, doing business as the Haileyville Telephone Co., serving 215 subscriber stations, in Oklahoma.

Southwestern Bell Telephone Co. to acquire certain telephone properties of John W. Miller, doing business as the Mesquite Telephone Co., serving 475 subscriber stations, in Texas.

Southwestern Bell Telephone Co. to acquire the telephone properties of J. T. McLin, doing business as the Clinton Mutual Telephone Co., serving 224 subscriber stations, in Oklahoma.

LOANS CERTIFIED TO THE SECRETARY OF THE TREASURY UNDER SECTION 210 OF THE TRANSPORTATION ACT, 1920, AS AMENDED, SINCE THE EFFECTIVE DATE OF SAID ACT, REPAYMENTS MADE ON ACCOUNT OF SUCH LOANS, AND STATUS OF THE REVOLVING FUND CREATED BY SAID SECTION

Carrier	Total loans	Total repayments	Net outstanding indebtedness
Akron, Canton & Youngstown	\$212,000.00	\$212,000.00	-----
Alabama & Vicksburg	1,394,000.00	1,394,000.00	-----
Alabama, Tennessee & Northern	489,000.00	323,750.00	\$165,250.00
Ann Arbor	650,000.00	650,000.00	-----
Aransas Harbor Terminal	50,000.00	4,340.77	45,659.23
Atlanta, Birmingham & Atlantic	200,000.00	200,000.00	-----
Baltimore & Ohio	¹ 8,200,000.00	8,200,000.00	-----
Bangor & Aroostook	² 253,100.00	253,100.00	-----
Birmingham & Northwestern	75,000.00	75,000.00	-----
Boston & Maine	26,705,479.00	12,762,479.00	13,943,000.00
Buffalo, Rochester & Pittsburgh	1,000,000.00	1,000,000.00	-----
Cambria & Indiana	250,000.00	250,000.00	-----
Carolina, Clinchfield & Ohio	10,000,000.00	10,000,000.00	-----
Central New England	300,000.00	300,000.00	-----
Central of Georgia	237,900.00	237,900.00	-----
Central Vermont	193,000.00	193,000.00	-----
Charles City Western	140,000.00	-----	140,000.00
Chesapeake & Ohio	9,097,000.00	9,097,000.00	-----
Chicago & Eastern Illinois	785,000.00	785,000.00	-----
Chicago & Western Indiana	8,000,000.00	1,571,000.00	6,429,000.00
Chicago Great Western	2,685,373.00	2,685,373.00	-----
Chicago, Indianapolis & Louisville	200,000.00	200,000.00	-----
Chicago, Milwaukee & St. Paul	70,340,000.00	70,340,000.00	-----
Chicago, Rock Island & Pacific	³ 11,430,540.00	11,430,540.00	-----
Cisco & Northeastern	236,450.00	236,450.00	-----
Cowlitz, Chehalis & Cascade	45,000.00	45,000.00	-----
Cumberland & Manchester	375,000.00	375,000.00	-----
Des Moines & Central Iowa	633,500.00	-----	633,500.00
Erie	11,574,450.00	11,574,450.00	-----
Evansville, Indianapolis & Terre Haute	400,000.00	400,000.00	-----
Fernwood, Columbia & Gulf	33,000.00	13,000.00	20,000.00
Flemingsburg & Northern	7,250.00	7,250.00	-----
Fort Dodge, Des Moines & Southern	200,000.00	-----	200,000.00
Fort Smith & Western	156,000.00	156,000.00	-----
Gainesville & Northwestern	75,000.00	-----	75,000.00
Georgia & Florida	792,000.00	-----	792,000.00
Great Northern	33,496,000.00	33,496,000.00	-----
Greens County	60,000.00	54,000.00	6,000.00
Gulf, Mobile & Northern	1,433,500.00	1,433,500.00	-----
Hocking Valley	1,665,000.00	1,665,000.00	-----
Indiana Harbor Belt	579,000.00	579,000.00	-----
Illinois Central	4,440,000.00	4,440,000.00	-----
International & Great Northern	194,300.00	194,300.00	-----
Kansas City, Mexico & Orient	5,000,000.00	5,000,000.00	-----
Kansas City Terminal	580,000.00	580,000.00	-----
Lake Erie, Franklin & Clarion	25,000.00	25,000.00	-----
Long Island	719,000.00	719,000.00	-----
Louisville & Jeffersonville Bridge	162,000.00	162,000.00	-----
Maine Central	2,373,000.00	2,373,000.00	-----
Minneapolis & St. Louis	⁴ 1,768,190.00	124,257.72	1,643,932.28
Missouri & North Arkansas	3,500,000.00	-----	3,500,000.00
Missouri, Kansas & Texas of Texas	450,000.00	450,000.00	-----
Missouri Pacific	10,071,760.00	10,071,760.00	-----
New Orleans, Texas & Mexico	⁵ 1,160,000.00	1,160,000.00	-----
New York Central	26,775,000.00	26,775,000.00	-----
New York, New Haven & Hartford	27,530,000.00	27,530,000.00	-----
Norfolk Southern	1,666,000.00	1,666,000.00	-----
Northern Pacific	6,000,000.00	6,000,000.00	-----
Pennsylvania	12,480,000.00	12,480,000.00	-----
Peoria & Pekin Union	1,799,000.00	1,799,000.00	-----
Rutland	61,000.00	61,000.00	-----

¹ Includes \$5,200,000 loaned through National Railway Service Corporation.

² Includes \$53,100 loaned through National Railway Service Corporation.

³ Includes \$1,568,540 loaned through National Railway Service Corporation.

⁴ Includes \$356,190 loaned through National Railway Service Corporation.

⁵ Includes \$926,000 loaned through National Railway Service Corporation.

LOANS CERTIFIED TO THE SECRETARY OF THE TREASURY UNDER SECTION 210 OF THE TRANSPORTATION ACT, 1920, ETC.—Contd.

Carrier	Total loans	Total repayments	Net outstanding indebtedness
Salt Lake & Utah.....	\$1,000,000.00	\$127,400.00	\$872,600.00
Seaboard Air Line.....	⁶ 19,857,400.00	3,568,512.16	16,288,887.84
Shearwood.....	29,000.00	17,093.24	11,906.76
Tampa Northern.....	100,000.00	100,000.00	-----
Tennessee Central.....	1,500,000.00	1,500,000.00	-----
Terminal Railroad Association of St. Louis.....	896,925.00	896,925.00	-----
Toledo, St. Louis & Western.....	692,000.00	414,000.00	278,000.00
Trans-Mississippi Terminal.....	1,000,000.00	1,000,000.00	-----
Virginia Blue Ridge.....	106,000.00	-----	106,000.00
Virginia Southern.....	38,000.00	-----	38,000.00
Virginian.....	2,000,000.00	2,000,000.00	-----
Waterloo, Cedar Falls & Northern.....	1,320,000.00	60,000.00	1,260,000.00
Western Maryland.....	3,422,800.00	3,422,800.00	-----
Wheeling & Lake Erie.....	⁷ 6,764,000.00	4,523,545.18	2,240,454.82
Wichita Northwestern.....	381,750.00	-----	381,750.00
Wilmington, Brunswick & Southern.....	90,000.00	-----	90,000.00
Total.....	350,600,667.00	301,439,726.07	49,160,940.93

⁶ Includes \$4,400,000 loaned through Seaboard Bay-Line Co.

⁷ Includes \$3,304,000 loaned through National Railway Service Corporation.

STATUS OF REVOLVING FUND

Appropriation.....	\$300,000,000.00
Accrued interest and repayments of principal paid to Oct. 31, 1930.....	388,789,991.18
Total.....	688,789,991.18
Tentatively reserved for claims, judgments, etc., arising out of Federal control.....	40,000,000.00
Balance available for loans.....	648,789,991.18
Total loans certified.....	350,600,667.00
Unencumbered balance.....	298,189,324.18

**PAYMENTS MADE BY CARRIERS OF ONE-HALF OF THEIR EXCESS
NET RAILWAY OPERATING INCOME, AS PRELIMINARILY COM-
PUTED, UNDER PARAGRAPH 6 OF SECTION 15a OF THE INTER-
STATE COMMERCE ACT, DURING THE YEAR ENDED OCTOBER
31, 1930**

Name of carrier	Year to which applicable				Total
	1925	1926	1928	1929	
Conemaugh & Black Lick R. R. Co.....				\$76, 574. 00	\$76, 574. 00
Cornwall R. R. Co.....				39, 266. 00	39, 266. 00
Duluth, Missabe & Northern R. R. Co.....				1, 679, 805. 81	1, 679, 805. 81
Durham & Southern R. R. Co.....				21, 515. 48	21, 515. 48
Genessee & Wyoming R. R. Co.....				12, 430. 06	12, 430. 06
Louisville, New Albany & Corydon R. R. Co.....	\$534. 50	\$524. 50	\$2, 241. 00		3, 300. 00
Natchez, Urania & Ruston Ry. Co.....				45. 14	46. 14
Nevada Northern Ry. Co.....				39, 729. 26	39, 729. 26
Patapsco & Back River R. R. Co.....				50, 355. 00	50, 355. 00
Philadelphia, Bethlehem & New England R. R. Co.....				65, 165. 00	65, 165. 00
Steelton & Highspire R. R. Co.....				23, 629. 00	23, 629. 00
Unity Railways Co.....				25, 207. 21	25, 207. 21
Warrenton R. R. Co.....				5, 461. 69	5, 461. 69
Total.....	534. 50	524. 50	2, 241. 00	2, 039, 184. 65	2, 042, 484. 65

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